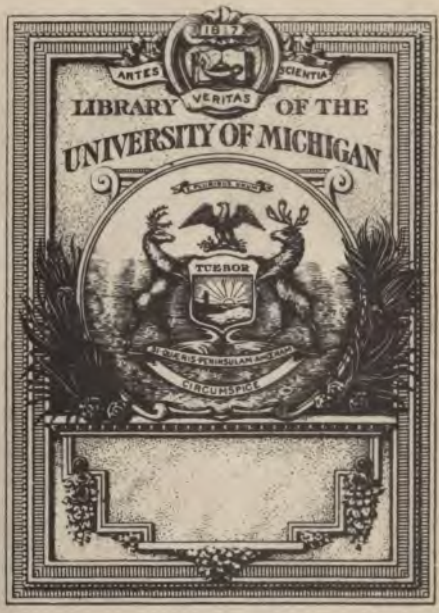
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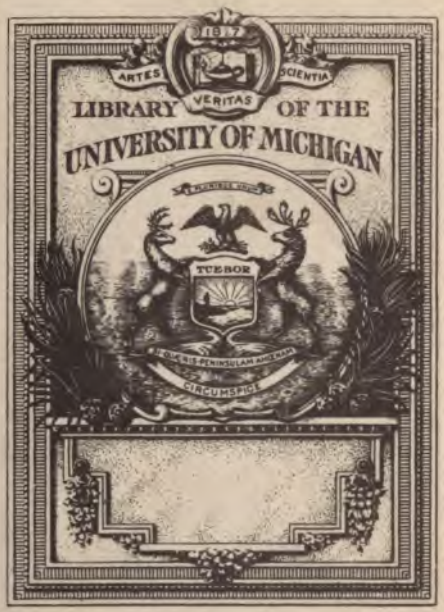
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FIRST LESSONS

IN

CIVIL GOVERNMENT;

INCLUDING

A COMPREHENSIVE VIEW

OF THE

GOVERNMENT OF THE STATE OF OHIO,

AND

AN ABSTRACT OF THE LAWS,

SHOWING THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF CITIZENS IN THE CIVIL AND DOMESTIC RELATIONS; WITH

AN OUTLINE OF THE

GOVERNMENT OF THE UNITED STATES:

ADAPTED TO THE CAPACITIES OF CHILDREN AND YOUTH,

AND

DESIGNED FOR FAMILIES AND SCHOOLS

BY ANDREW W. YOUNG,

AUTHOR OF "SCIENCE OF GOVERNMENT."

CLEVELAND:

PUBLISHED BY M. C. YOUNGLOVE

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46 Gold-street, New York.

PREFACE.

To the intelligent citizens of the state of Ohio, an apology for the appearance of this work will scarcely seem necessary. Notwithstanding the number and variety of class-books that have sought and gained admittance into our public schools, the study of our civil polity has not yet been encumbered with treatises on this most important science.

To secure the blessings of liberty to themselves and their posterity, was the leading object of the people of the United States in ordaining and establishing the constitution. That this constitution is fully adequate to the objects of its formation, has been satisfactorily proved by the experience of more than half a century.

Whether the blessings of civil and religious freedom, which our system of government is so happily adapted to secure, shall be enjoyed by *our* posterity, depends, in no small degree, upon what is done to qualify the rising generation of American youth for the duties and responsibilities which, as freemen, they are shortly to assume.

In a few years, the destinies of this great and growing republic will be committed to those who are now receiving instruction in our public schools. How important that the course of education pursued in these institutions should include the study of the principles of republican government, and especially of that government in which our youth are soon to take a part.

A thorough knowledge of our constitutional and civil jurisprudence cannot well be too highly appreciated. Without it, we may hope in vain to perpetuate our free institutions. The very idea of free government presupposes a knowledge of such government. And how is it to be obtained without

study? As well might we suppose that our youth could, without study, acquire a knowledge of any other science now taught in our schools.

The study of political science should be commenced early. Children should *grow up* in the knowledge of our political institutions. The provisions of our constitution should be to them as familiar as the spelling-book; and yet thousands of our young men reach their majority, and presume to exercise their political franchise, who have never so much as given the constitution a single reading!

Political equality is a fundamental principle of republican government. The rich and the poor possess an equal amount of political power. How important, then, that all should be equally capable of exercising this power with wisdom and effect!

It is by the exercise of political power, that the evils of bad administration are to be corrected; but if the people do not exercise this power intelligently, they may only increase these evils in attempting to correct them.

If ever the great body of the people are to be qualified for the business of self-government, our common schools must be relied on as the principal means. In these institutions, probably nine-tenths of our citizens receive all their education. A science, therefore, the knowledge of which is so essential to our political prosperity, should be taught in every common school.

Influenced by these considerations, the compiler prepared, a few years since, his "Introduction to the Science of Government." The circulation which that work has received, affords evidence that the importance of this science is beginning to be appreciated. The object of the work was declared to be, "to supply a deficiency in the course of education." The belief was entertained and expressed, that it would be found well adapted to the condition of our common schools; and that the several subjects of which it treated were made "intelligible to those who were of suitable age and capacity to be benefited by the study of this science."

The fact, however, has been ascertained by experience, that youth have the "capacity" to comprehend the principles

of civil government at a much earlier "age" than that to which the work is adapted: and hence it is used by a small portion only of those who may be benefited by the study.

The primary design of the present work is, therefore, to supply a deficiency still remaining; and it is confidently believed, that it may be profitably studied by children of ordinary intelligence at the age of ten years.

In the author's endeavor so to simplify and illustrate certain subjects as to meet the capacities of children, some may discover what may be deemed a needless familiarity of expression. Those, however, who have been engaged in the instruction of youth, are aware that there is little danger of aiming too low. A very common defect of many valuable works is, that they do not *descend* to the comprehension of those for whose benefit they are designed.

It will be seen that this work differs from the former, in respect to both the *plan* and the *matter*. The "Science of Government" being adapted alike to all the states, a particular description of the government of no state could be given in that work. It is designed to instruct our citizens in the principles of civil government in general, and particularly in "the constitutional and civil jurisprudence of the United States."

The work now offered is intended only for this state, and may be called *a book of the government of the state of Ohio.* Besides a general view of the extensive machinery of our state government, it contains, as its title indicates, an abstract of the statutes of the state, from which the citizen may learn his rights, responsibilities, and duties, as a member of the civil community.

The work, however, is not confined to the government of the state: it contains an outline of the government of the United States, showing the nature and objects of the union, the relations which the national and state governments bear to each other, the powers of the general government, and the organization of its several departments.

But this work is not intended for schools alone. It will be found to be emphatically a *family book*, and will, it is believed, be read with profit by adults as well as children, and prove highly useful and convenient as a manual for

daily reference, and as a guide to citizens generally, in the performance of their political duties, and in the ordinary concerns of life.

Nor is the work designed for males only. The author would earnestly recommend that it be studied by females also. Although they do not directly participate in the government, a knowledge of the principles of civil government in general, and of our political institutions in particular, would essentially increase their usefulness. Their influence upon the public interests, though indirect and silent, would be none the less powerful and salutary.

A prominent object of the author has been to inspire youth with a love of their country and its free institutions. Believing an *intelligent patriotism* to be indispensable to the health and vigor of the body politic, he has endeavored, by contrasting the several forms of government, to show the superior excellencies of our own.

It is believed the work will be found to contain no important errors. If any shall be discovered, or if any alterations shall be rendered necessary by changes in the laws, the corrections or alterations will either be made in their proper places, or noted at the end of the work.

While the author does not flatter himself that his book is not susceptible of improvement, he confidently hopes that it will meet a favorable reception. Such as it is, it is offered to the public.

December 1845.

TO TEACHERS.

THE occupation of an instructor of youth, is a most honorable and responsible one. The persons who are, in a few years, to become our legislators, judges, and governors, are now in the process of training, in our public schools. Teachers should therefore realize the magnitude of their trust, since the future character and destiny of the nation depend so essentially upon the degree of ability and fidelity with which this trust shall be discharged.

In our common schools, chiefly, must the foundation be laid for our future statesmen. From this work, if it shall meet a favorable reception, not a few of them will receive their "first lessons." Its usefulness, however, will depend materially upon the manner in which it is received and used by teachers.

A teacher who desires to be in the highest degree useful, will cheerfully undertake the instruction of a class in civil government. The exercise may be made interesting to both teacher and scholars. The interest of the latter may be increased, by showing them the inseparable connection between good government and public and individual prosperity.

Notwithstanding a due familiarity of style and simplicity of illustration have been attempted, words and phrases have frequently become necessary, of which the limits of the work would not admit a full explanation. Teachers will therefore have occasion to tax their own resources in supplying the omission. This exercise will be alike profitable and interesting, both to the teachers and to their pupils.

Most of the chapters will be found too long for single lessons, especially for the younger scholars, and on passing through the work for the first time. Such portions only

should be assigned to a class as may be learned well. Every section and every sentence which admits of easy explanation, ought to be understood by the scholar before proceeding to the next. And if, occasionally, a subject or chapter shall be deemed too difficult for the young beginner, let it be passed over for the time. The observance of these directions is necessary, in order to keep up the interest of the scholar, without which he will make no very rapid proficiency in the study.

The questions upon some sections are not sufficiently numerous for a thorough exercise of the pupils. Instead of occupying greater space with printed questions, it was thought preferable to leave it to teachers to add questions of their own, as the capacities of their scholars and the nature of the subjects may require.

CONTENTS.

APPENDIX.

CIVIL GOVERNMENT, &c.

CHAPTER I.

Of Civil Government and Laws; and what they are.

1. GOVERNMENT, in a general sense, signifies direction, or regulation; or it is the control which one thing has over another. When applied to persons, it means the exercise of authority by one or more persons over others, in controlling or regulating their behavior.

2. A parent gives directions to his children for the regulation of their behavior. He commands what they are to do, and forbids what they are not to do. In giving these rules and causing them to be obeyed, he is said to *govern* his family. So the government of a teacher consists in keeping order in his school, by causing his scholars to observe the rules he has prescribed for their conduct.

3. But the government treated of in this book, is the government of a state or nation, usually called *civil government*. It is so called, because it is the government which regulates the actions of persons as members of civil society. But in order fully to understand the meaning of civil government, it is necessary to know what is meant by *civil society*.

4. The Creator intended that mankind should live together. He has given them a desire to associate with each other, and has made their happiness depend, in a great measure, on such association. Hence we find that persons derive from each other's company greater enjoyment than they could have by living alone.

QUESTIONS.—1. What is government in a general sense? What when applied to persons? 2. Illustrate the meaning by example. 3. What is the government of a state or nation called? Why? 4. From

5. Any number of persons associated together in any manner, or for any purpose, may be called a society. The friends of temperance associate for the purpose of promoting temperance, and are called a temperance society. Other persons act together as a Bible society, or an education society. But neither of these associations, nor any others commonly called societies, are what is usually understood by civil society.

6. The term, *civil society*, is applied to the people of a country united for the purpose of government, under written rules and regulations. It does not apply to the people of every nation. The Indians of this country observe certain rules and customs, but these rules are not written; and as these people are savage and unlearned, they are called *uncivilized*, and are not properly civil communities.

7. Civil society can be said to exist only where the people are in a civilized state, or state of social improvement. By a state of civilization and social improvement, is meant refinement of manners and growth in knowledge. In any country where the people enjoy the benefits of learning, and the means of improving their social condition, or of making themselves more comfortable and happy, they are called *civilized;* and the government of such country, according to established written rules, is called *civil government.*

8. The rules by which the people of a state are governed, are called *laws;* as the commands of the parent or householder are the laws of the family, or as the rules of the teacher are the laws of the school. A *law* is therefore a rule of action, commanding what men are to do, and forbidding what they are not to do. A law implies two things; first, the right and authority of those who govern to make the law; and secondly, the duty of the governed to obey the law.

9. To give force to a law, it must have a penalty. *Penalty* is the pain or suffering to be inflicted upon a per-

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what do you infer that mankind are made for society? 5. What is a society? 6. What is civil society? 7. Where does civil society exist? *What is civilization?* Is this a civilized country? 8. What are called *laws? What is a law?* 9 Why have laws a penalty? What is

son for breaking a law. The law requires that for stealing, a man must pay a fine or be put into prison; and that for murder, he must be hanged: therefore fine or imprisonment is the penalty for stealing, and hanging is the penalty for murder. If no penalties were annexed to laws, men could not be compelled to obey them; bad men would commit crimes without fear; there would be no safety to our lives or property; and there would be no order in society.

10. We see from the preceding sections what is meant by the term, civil government. When we speak of the political institutions of any particular country, we say only, "the government." Hence the word government means, *the system or form of fundamental rules by which the people of a state or nation are governed.* The word, however, is not always used in precisely the same sense. Sometimes it means the *making* and *executing* of the laws of the state: and sometimes the *persons* or *officers* who make and administer the laws are called the government.

CHAPTER II.

Of the Nature and Necessity of Laws—Of Rights, &c.

1. CIVIL government and laws, as we have seen in the preceding chapter, are necessary to preserve peace and order in society, and to secure to its members the free enjoyment of their rights. A *right* is the just claim, or lawful title, which we have to any thing. Thus we say, a person has a right to what he has earned by his labor, or bought with his money. A man is entitled to what is lawfully or justly his own; that is, he has a right to it.

2. We have right also *to do* things. We have a right to go where we please, and to act as we please, if by so doing we do not trespass upon the rights of others. For it must be remembered, that all men in civil society have the same

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penalty? 10. In what different senses is the word government used?

1. What is the object of civil government and laws? What is a right? 2. Have we a right to do as we please in all cases? 3. What

natural rights, and that no one has a right to disturb others in the enjoyment of their rights.

3. The being free to enjoy what belongs to us, or to do as we please, is called *liberty*. The words right and liberty, however, have not the same meaning. We may have a right to a thing when we have not the liberty to enjoy or to use it. John has a pencil which is justly his own; but James takes it from him by force. John's *liberty* to enjoy the use of his pencil is lost, but his *right* to it remains. And James has no right to the pencil, though he enjoys the use of it.

4. All laws ought to be so made as to secure to men the liberty to enjoy and exercise their natural rights. *Natural rights* are those which we are entitled to by nature, rights with which we are born. Every person is born with a right to live, and freely to enjoy the fruits of his labor, and whatsoever is justly his own. Therefore liberty itself is a natural right; that is, it is ours by nature, or by birth; and it cannot be justly taken from us: hence it is also called *inalienable*. But we may forfeit our natural rights by crime. If a person steals, he loses his right to liberty for a time, and may be justly imprisoned. If he commits murder, he forfeits his right to life, and lawfully suffers death.

5. We sometimes hear of *civil rights* and *civil liberty*. Wherein do these differ from those which are called natural? Our rights and liberties may be both natural and civil at the same time. When we speak of them as being ours by nature, or by birth, we call them natural; and when they are spoken of as being secured to us by civil government and laws, they are called civil. Hence John's right to the use of his pencil is a *civil* right, because it is secured to him by the laws of civil society; and it is also a *natural* right, because, by the law of nature, he is born with a right to the free use of his property.

6. The *law of nature* is so called, because it is a perfect

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is liberty? Have the words liberty and right the same meaning? 4. What are natural rights? Inalienable? How may these rights be forfeited? 5. Tell the difference between the terms, civil rights and natural rights. 6. What is the law of nature? 7. What duties to our Cre

rule of conduct for all moral and social beings—a rule which is right in itself, right in the nature of things; and it would be right, and ought to be obeyed, if no other law, or no positive command had ever been given. It is right in itself that all men should have the liberty of enjoying the use of what is their own; and it would be right that we should give to every man his due, if we had never been commanded to do so.

7. The *law of nature* is the rule of conduct which we are bound to observe towards our Maker and our fellow-men, by reason of our *natural relations* to them. Mankind being dependent upon their Creator, they owe Him duties which they ought to perform, though he had never positively enjoined these duties. To serve our Creator, and to thank Him for his mercies, are duties which arise out of the relation we sustain to Him.

8. So the relation between parent and child renders it fit and proper that children obey their parents, on whom they are dependent for protection and support. And from the relation we sustain to our fellow-men, on whom also we are in a measure dependent, and who have the same rights as ourselves; it is our duty to promote their happiness as well as our own, by doing to them as we would that they should do to us. This is required by the law of nature, which is the will of the Creator.

9. But it may be asked, if the law of nature is the rule by which mankind ought to regulate their conduct, of what use are *written* laws? Mankind in their present imperfect state are not capable of discovering, in all cases, what the law of nature requires. It has therefore pleased Divine Providence to reveal his will to mankind, to instruct them in their duties to himself and to each other. This will is revealed in the Holy Scriptures, and is called the *law of revelation*, or the *Divine law*.

10. But though men have the Divine law for their guide, human laws also are necessary. God has commanded men

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ator does the law of nature enjoin? From what does this obligation arise? 8. What duty to parents does the law of nature enjoin? Why? What towards our fellow-men? Why? 9. Of what use are written laws? What is the law of revelation? 10. Of what use are human

to do right, and to deal justly with each other; but men do not always agree as to what is right: human laws therefore are necessary to say what shall be considered just between man and man. And these laws must be written, that it may always be known what they are.

11. Again, it may be asked, what must be done when a human law does not agree with the Divine law? Must such law be obeyed? We may not disobey a human law simply because it does not require what is strictly just between men. A law may be very imperfect, as many human laws are, and yet we ought to obey it, and may do so without breaking the Divine law. But a law clearly contrary to the command of God, we are not bound to obey. It may sometimes be difficult to determine whether human laws and the Divine law agree. Hence we see the importance of having wise and good law-makers, who will make wise and righteous laws.

CHAPTER III.

How Power is exercised in different Governments.

1. THE people of every country live under government and laws of some kind; but the modes and forms of government in different countries are very different from each other. What distinguishes one form of government from another is, that the power to govern, that is, the power to make the laws and to put them in force, is in different hands, and is exercised in a different manner in some governments from what it is in others.

2. In some countries the power to govern is in one person, called a king or emperor, who makes the laws for the people, who are called *subjects*, because they are subject to his will, which is their law. Such a government is called a

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laws? 11. Ought human laws and the Divine law to agree? May we always disobey human laws that are wrong?

1. Are all forms of government alike? Wherein consists the difference? 2. Who makes the laws in a monarchy? What is a monarchy?

monarchy, which means a government by one man, who is called *monarch*. When the ruler exercises authority over his subjects in a cruel manner, he is called a *despot* or *tyrant*, and his government is called despotism, or tyranny. Originally the words despot and tyrant meant simply a single ruler. But such is the sense at present conveyed by these words, that any government, when so administered as to oppress the people, is called despotic or tyrannical.

3. Another form of government is a *democracy*, which means government by the people. In a government purely democratic, the great body of freemen meet in one assembly to make the laws and to transact the public business. In ancient Greece and Rome there were some governments of this kind. This kind of government can exist only in small territories. It would be impossible for all the citizens of a large community to meet in a single assembly and do business.

4. It will be seen that the two kinds of government here described, are directly opposite to each other. In the former, the power is in the hands of *one* man; in the latter, the power to govern is exercised by *all* the people. In the one, the people are governed by another; in the other, they govern themselves. The former, in which the will of one man is the law, is called an *absolute* or *arbitrary* government; the latter, in which the people make their own laws, is called a *free* government.

5. There is a form of government which partakes of the nature of both a monarchical and a free government, and is therefore called a *mixed* government. It is also called a *limited monarchy*, because the monarch is himself restrained by laws, and cannot make laws alone. The government of Great Britain is one of this description. The chief magistrate, or king, gets his power as kings usually do, by right of birth; that is, he inherits it from his ancestors, in the same manner as a son becomes heir to the property of his father, at whose death the property comes to the child by

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When is it called a despotism, or tyranny? 3. What is a democracy? How are laws made in a pure democracy? 4. Contrast a monarchy and a pure democracy. 5. What is a mixed government? How does

right of birth. The eldest son, if there is a son, is heir to the crown.

6. But the king in that country has not the power to make the laws. The laws are framed by parliament, and submitted to the king for his approval. If he approves them they become laws, otherwise they do not. Parliament is composed of two legislative assemblies, the house of *lords* and the house of *commons*. The lords are men of high rank, who get their office by birth, or from the king. They are also called *nobles*. The house of commons is composed of men who are elected by the people. These three branches of the government, the king, the house of lords, and the house of commons, must all agree upon a measure before it is a law.

7. Governments called *aristocracies* have also existed; but no government properly called an aristocracy is known to exist at the present time. The word is applied to a government which is in the hands of a few persons of rank and wealth. The aristocratic principle, however, is preserved in the British house of lords.

8. But the form of government which prevails in this country is different from all those which have been described. It is a republican government. A *republic* is a form of government in which the public, the people, enjoy common rights and privileges. Hence the name of *commonwealth* is sometimes applied to a republican government; as a thing is said to be *common* when it is enjoyed by persons generally, or by all. Hence also the word *community*, which signifies the people living under the same laws, and enjoying the same privileges. Every state in the Union is a republic.

9. In a republic the political power is with the people; and therefore the government is *free*. Hence our government is sometimes called a democracy; and perhaps the words republic and democracy had formerly the same meaning. But our government is materially different from

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a king get power? 6. By whom are laws made in Great Britain? And how? How is parliament constituted? Describe the two houses. 7. What is an aristocracy? 8. What is the government of this country called? What is a republic? What other name is it called by? Why? 9. In what is our government different from a simple democracy? 10.

such a democracy as has been described. In a republic like ours, the people do not all assemble in a body to make laws as in a pure democracy. The laws are made by a small number of men called representatives, who are chosen by the people for that purpose. The people also choose persons to transact the other business that needs to be done.

10. Our government is therefore a representative government, or a representative republic. A *representative* is a person chosen or employed by others to make known their wishes, and to transact their business. A representative is therefore an agent. The word *agent*, however, more frequently denotes a person intrusted with the business of private individuals; by representative is generally understood one who is chosen to assist in enacting the laws. All public agents and representatives are called *officers*.

11. Notwithstanding power in our government is divided among a great many different classes of officers, instead of being exercised by the great body of the people in person, as in a simple democracy, both governments are alike in this, that all power, however differently exercised, comes from the people. Both are such governments as the people choose for themselves, and therefore both are equally *free*.

12. The form of government in the United States is expressed in a written instrument, called a *constitution*. A constitution is a form of rules by which the members of a society agree to be governed. Every society or association commonly so called, has a constitution. The persons forming the association draft a set of rules, stating the object of the society, what officers it shall have, what each is to do, and how its operations shall be carried on. These rules are called the constitution of the society. So the rules adopted by the members of the civil society, are called the constitution. They are in the nature of articles of agreement, by which the people mutually agree to be governed.

13. A constitution is a kind of law; not, however, such a law as those which are made by the representatives of the people. It is a law made by the people themselves, de-

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What, then, is our government properly called? What is a representative? 11. In what respect are the two governments alike? 12. What is a constitution? What does it declare? 13 Why is a constitution

claring what the government shall be, what officers are to be elected, and what duties they are to perform. It declares also what laws may, and what may not be made: hence it is sometimes called the *fundamental law*, being the *foundation* of all other laws, which must conform to or agree with the fundamental law. It is also called a *frame* of government, and may be compared to the frame of a building. The frame gives form and shape to the building; and every additional timber and plank required to finish it, must be fitted to the frame. So every law that is made, and every act that is done by the officers of the government, must conform to the constitution.

14. But, though a constitution is a law, not every law is a constitution. A constitution is a form of government, or *fundamental* law; and being made by the act of *the people*, as a body politic, or political body, it is sometimes called the *political* law. The laws are acts of *the legislature*, which are necessary in carrying on the government, and regulating the conduct of the citizens; and are called, by way of distinction, the *civil*, or *municipal* laws.

15. It appears, also, that the first and highest act of a free people, is the choice of a constitution or form of government for themselves. Hence, in no country do the people enjoy greater political privileges, than in the United States. In most governments there is either no constitution at all, or none that is made by the people. The people of Great Britain enjoy a good degree of civil liberty, and we hear of the British constitution; but it is not a written instrument like ours, adopted by the free vote of the people. Not having such a constitution to restrain their rulers, the people are liable to suffer, and often do suffer, from the enactment of unjust laws.

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called the fundamental law? To what is it compared? 14. Why is it called the political law? What is meant by body politic? In what does a political law differ from a civil or municipal law? 15. What is the most important act of a free people? Do the people in most governments enjoy this privilege? What is said of the people of Great Britain, and the British constitution?

CHAPTER IV.

How the present Form of Government came to be established in this Country.

1. It is presumed that the youngest of my readers know, that the people of the United States have not always lived under their present excellent form of government. For more than one hundred and fifty years after the first settlement of this country, they were subject to the government of Great Britain. The present year (1845) is the 69th since the American colonies, now states, separated themselves from the parent country, and claimed the right to establish a government for themselves.

2. This country was first settled by the English, who claimed it by right of discovery, they having discovered it in 1497, about five years after Columbus had discovered the West India Islands. The first permanent settlement, however, was not made until the year 1607, when a colony of 105 persons settled at Jamestown, in Virginia. A few years afterwards, (1620,) a colony was planted in Plymouth, in Massachusetts. After this, the number of colonies rapidly increased to twelve, the last of which, Pennsylvania, was settled in 1681. About fifty years thereafter, (1732,) Georgia was settled, the last of the thirteen which declared themselves free and independent states.

3. During their connection with Great Britain, the government of the colonies was not one of their own choice, but such as the king was pleased to institute for them. Each colony had a separate and distinct government; but the governments in the different colonies were in many particulars alike. The powers of government were generally vested in a governor, a council, and an assembly of representatives chosen by the people. These three branches

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1. To what government were the people of this country formerly subject? How long? What is a colony? 2. When did the English discover this country? When and where was the first settlement made? What is said of others? 3. What is said about the government of the colonies while connected with Great Britain? Were they all

corresponded to the king, the nobles, and the commons, in the government of Great Britain. Power was therefore divided, in those governments, in nearly the same manner as it is in the states at present; for there is in every state a governor, a senate, and a representative assembly.

4. There is, however, an important difference between those governments and the present. The people of the colonies were not allowed to choose a constitution or form of government for themselves; nor had they the privilege of choosing the officers of the different departments of the government. The governors were appointed either by the king, or by such persons as had authority from the king to appoint them; and they were generally under the control of the king, who kept them in office as long or as short a time as he pleased.

5. The council was composed of a small number of men, also appointed by the king, and subject to his pleasure. This body constituted one branch of the legislature. The judges and magistrates, and other officers, were appointed by the governors, or by the king, or other persons who appointed the governors.

6. Hence it appears, that only one branch of the law-making power was chosen by the people; while the other two, the governor and council, were appointed by the king, or were subject to him, as were also the other officers of the government. Although one branch of the legislature was composed of men chosen by the people, the people could not always get such laws enacted as they wished; because both the governor and the council must agree to every measure which the people's representatives might propose; and then, when agreed to by them, it must be sent to England, and submitted to the king, who also must give it his approval before it could be a law.

7. In a few of the colonies, however, the people enjoyed greater privileges. In Massachusetts, Rhode Island, and

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governed alike? 4. In what respect did those governments differ from the present? Who appointed the governors? 5. How was the council composed? How were other officers appointed? 6. What officers were chosen by the people? Could the people have such laws as they wished? Why not? 7. In what colonies did the people choose

Connecticut, for some years before the revolution, they elected their governors and both houses of the legislature. But even in these colonies, no laws might be enacted that were contrary to the laws of England. And the privileges which they did enjoy were granted by the king, and might at any time be taken away from them at his pleasure.

8. From this description of the government of the colonies, it will be seen that the people could not have such a government, in all respects, as they wished; the laws being such as the king was pleased to impose upon them. Many of the laws enacted by parliament, and approved by the king, bore hard upon the colonists. The main object of these laws was to prevent the colonists from trading wherever they pleased, and to compel them to trade with England. A law was enacted, declaring that no goods should be imported into the colonies, but in English vessels. If brought in other vessels, both goods and vessels were to be forfeited to the British government.

9. Another law required, that such articles of produce raised here, as England wanted, the colonists should not transport to any other country than Great Britain, and other countries belonging to the crown of England. They might ship to foreign markets only such articles as English merchants did not want. They might not sell abroad any wool, yarn, or woollen manufactured goods. Another law declared, that no iron wares of any kind should even be manufactured in the plantations.

10. By these and sundry other laws, it was intended that all the manufactured goods the colonists wanted, and whatever else they did not produce for themselves, they should be compelled to buy of England; and that all they had to sell, that England wanted, they should sell to England. To accomplish this object, heavy duties were laid upon goods brought hither from any country but Great Britain and her possessions. A *duty*, as the word is here used, is a tax levied upon goods brought into a country from abroad.

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their governors and legislatures? 8, 9, 10. What was the general object of the laws made in England, that led the colonies to separate from that government? Describe some of those laws. What is a

11. The nature of these duties will appear from the following facts:—The colonists traded with the West India Islands. Some of these islands belonged to France, some to Spain, and others to Great Britain. Now, to prevent the colonists from buying goods at the French and Spanish islands, parliament enacted a law compelling them to pay high duties on the molasses, sugar, and other articles which they should receive from these islands. To avoid this tax, therefore, they must obtain these articles from the British islands.

12. Great Britain did not stop here. Not satisfied with these acts of parliament, by which English traders had been enabled to enrich themselves, parliament claimed the right to tax the colonies "in all cases whatsoever;" and an act was passed, accordingly, laying duties upon all tea, glass, paper, and painters' colors, imported into the colonies; and the money thus collected was put into the British treasury.

13. The colonists remonstrated against these unjust laws. Petitions were sent to the king, and memorials to both houses of parliament, praying that these laws might be repealed; but their requests were of no avail. At length, the colonists resolving no longer to submit to such laws, and the British government being determined to enforce them, a war between the two countries was the consequence.

14. The war commenced in 1775. On the 4th of July, 1776, congress declared the colonies to be free and independent states, no longer subject to Great Britain. Congress was a kind of legislative body, composed of a few delegates or representatives from the several colonies. A description of this congress will be given in another part of this work; also the declaration of independence, with the names of the men who signed it. After a hard struggle of about seven years, the war was ended, and Great Britain

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duty? 11. Give a fact, illustrating the nature and operation of a duty. 12. What general power did parliament claim? And what law was then enacted? 13. How did the colonists endeavor to get these laws repealed? 14. When was independence declared? By whom? How was congress composed? What is meant by the American Revolution?

acknowledged the independence of the states. This change in our relations with that country, and the establishment of an independent government in the states, is called the *American Revolution.*

15. Since the states declared themselves independent, one after another has changed its government, until all of the original thirteen have adopted new constitutions. Since the revolution, fourteen new states have been admitted into the Union, to the present time, (1845;) and others will soon be added to the number.

CHAPTER V.

Of the Government of Ohio.—Its early History, and Admission into the Union.

1. THE state of Ohio is not one of the original thirteen states which declared themselves free and independent of Great Britain. The territory of which this state was formed, was at the time of the declaration a wide wilderness; being a part of a vast region of country, including nearly all the territory now comprising the western and south-western states, and extending west to the Rocky Mountains. In 1673, a small party of men, headed by M. de la Salle, undertook an exploring expedition; and, having passed through Lake Michigan and the rivers Chicago and Illinois, and descended the Mississippi to its mouth, they took possession of the country in the name of Louis XIV., then king of France. Hence this vast region was known by the general name of Louisiana.

2. According to the general custom of nations, newly-discovered territory is considered to belong to the nation whose citizens first discover it. Hence that portion of the West Indies, South America, and Mexico, which was first

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15. How many states were there at that time? How many at present?

1. To what great tract of country did the territory now within the limits of this state belong? By whom was the Mississippi country discovered and settled? 2. To whom does newly-discovered territory be-

discovered by Christopher Columbus and other citizens of Spain, was taken possession of in the name of their sovereign, the king of Spain. Canada, in like manner, was claimed and occupied by the French; and most of the territory comprising the old thirteen states, having been discovered by British subjects, belonged to Great Britain.

3. The French continued to occupy this western country for many years; during which time settlements were made, and forts were erected on the Mississippi and its northern branches, and on the northern lakes. The English government, to which the colonies were then subject, became alarmed at the increasing numbers and strength of the French, and a dispute arose between the two governments about the boundary line between their respective territories, which resulted in war. By the treaty of peace made between the two governments, (1763,) France ceded to Great Britain all her possessions in North America east of the Mississippi river.

4. During the war of the revolution, a controversy arose about this new territory. A portion of it was claimed by the state of Virginia; other portions were claimed by the states of New York, Massachusetts, and Connecticut; while other states contended that these unoccupied lands ought to be held as a common fund for the future payment of the expenses of the war in which the United States were engaged with Great Britain. As these western lands had been the property of the British crown, and as all the states assisted in the war, all the states ought to have a common interest in the lands.

5. After this controversy had been going on for some time, and means being wanted to carry on the war, congress made strong appeals to the states claiming these lands, recommending that they be given up for the common benefit of the United States, and pledging that they should be disposed of for that purpose, be settled, and formed into distinct states with suitable territory, and become members of the

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long? 3. What is said of the difficulty between the English and French, respecting this territory? What portion was ceded to England? 4. What is said of the dispute between the states respecting the territory east of the Mississippi? 5. How was the matter of these vari-

federal union, with the same rights as the other states. Of these claiming states, one after another acceded to this proposition of congress, until all had ceded their lands to the United States. Connecticut, the last of them, gave up her claims in September, 1786, reserving to herself a portion in the north-eastern part of the state, since known as the "Connecticut Reserve," or "Western Reserve." Her claim to this tract was not relinquished until the year 1800.

6. The several states had now ceded all their claims, and other nations had acknowledged the right of the people of the United States to all the territory east of the Mississippi and north of Florida and Louisiana. It yet remained for the United States to get a title from the Indian tribes, who, it must be remembered, were the original and rightful owners. A treaty was made with a number of these tribes, by which they agreed to cede to the United States certain territory which included the greater portion of the present state of Ohio.

7. Congress next proceeded (1785) to make provisions for surveying and selling the public lands, and in 1787, for establishing suitable forms of government for the people of the territory. Provision was also made for dividing this territory, and for forming the several portions into new states, which were to be admitted into the Union when they should have acquired a sufficient number of inhabitants. New states were to have the right of admission whenever they should contain a population of 60,000; or they might be admitted at an earlier period if congress should deem it consistent with the general good of the confederacy.

8. The form of government which congress established in this new territory was a singular one. The powers of government were vested in a governor, three judges, and a secretary of state, who were appointed at first by congress, and after the adoption of the federal constitution by the president. The governor was to hold his office for three

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ous claims finally settled? 6. What were now the boundaries of the United States' territory? How was a title acquired to the territory of this state? 7. What provisions did congress proceed to make respecting this great western territory? 8. Describe the government established in

years: the judges were to continue in office during good behavior.

9. The people of the territory did not then choose representatives to make laws for them. The laws were such as the governor and the judges thought fit to give them; provided, however, they were such as congress approved. The judges were a high court of justice, and any two of them might hold a court. The magistrates of the lower courts, and most of the other subordinate officers of the government, were appointed by the governor. It was the duty of the secretary of state to keep a record of all the acts and laws, and certain other proceedings of the government, and every six months to send copies of them to the secretary of congress.

10. The people, it appears, had no voice in the government: whether they were well or badly governed, depended chiefly upon the character of the governors and judges. But it is said these officers seldom, if ever, abused their power; indeed, we are informed that afterwards, when the people came to be allowed to choose a legislature for themselves, this legislature adopted and confirmed almost every law that had been enacted by the governors and judges.

11. It was provided by the ordinance of congress of 1787, that whenever there should be in the territory 5,000 free male inhabitants, of full age and qualified to vote, the people should be entitled to a change in the form of government. In 1798 the territory contained the requisite number, and the people were authorized to elect representatives to a legislature. They were now to have a legislature with two branches, similar to the legislatures of the states; but the house of representatives only were to be chosen by the people. The other body, called a legislative council, was to consist of five men, to be appointed thus: The house of representatives were to name ten freeholders, (that is, owners of estate in lands,) of whom the president was to

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this territory. 9. Who made the laws? By whom were the lower officers appointed? What was the duty of the secretary of state? *10. Were the people well governed, or badly?* 11. On what condition *were the people to have a new government?* In what year were they *entitled to elect representatives?* How was the council constituted?

select and appoint five to constitute the council. The representatives were to serve two years, the members of the council five years.

12. One thing in the manner of enacting the laws under this new government is worthy of note: No act of the legislature could become a law without the approval of the governor. This gave to the governor the power to prevent the passage of any law, how much soever the people might desire it.

13. The territory having continued to increase rapidly in population, it was divided into two governments. The government then existing was continued in the eastern division, and a new one was established in the western. In 1802, the inhabitants in the eastern territory had become sufficiently numerous to be formed into a state government, and to be admitted into the Union. The boundaries of the contemplated new state having been determined, a constitution was framed, and Ohio became one of the states of the Union.

CHAPTER VI.

How the Constitution of Ohio was formed.

1. It has already been observed, that the people of the United States live under constitutions and forms of government which they have established themselves. But how this work of the people is done, may not be known by all who are just beginning to study the science of civil government. I will therefore give an example of the manner of forming and establishing a constitution, by describing the manner in which the present constitution of the state of Ohio was made and adopted.

2. It has been remarked that all the citizens of a large

How long did members of the respective bodies serve? 12. What power had the governor in making laws? 13. What is said of a division of the territory? In what year was Ohio admitted into the Union?

1. By whom are constitutions established in the United States? 2

community cannot meet in one assembly; and hence the necessity of choosing a small number, called representatives, to make the laws and to transact the business of the government. So the freemen of this state, as they could not all meet to frame a constitution, acted by their delegates or representatives. Delegate and representative are words of similar meaning. Sometimes, however, persons who are chosen to act for the people in other business than that of making laws, are called *delegates*, and the meeting of such persons is called *convention*.

3. The convention that framed the constitution of this state, was authorized by an act of congress, passed in April, 1802. Though the territory did not yet contain 60,000 inhabitants, it was deemed expedient to admit it into the Union with a less number. The convention was composed of 35 delegates. These were to be apportioned among the several counties, according to the number of inhabitants in each, and in such manner as that for every 1200 inhabitants there should be one representative.

4. The county of Trumbull, having more than double the number of inhabitants necessary to entitle it to one representative, elected two representatives. The county of Jefferson, having seven times such number of inhabitants, elected seven representatives. According to the same rule of apportionment, Washington elected four, Ross seven, Adams three, Hamilton eleven; in all thirty-five. These six were, it is believed, the only counties fully organized. From each of these one or more new counties have been set off from time to time, until the whole number of counties in the state has increased to nearly eighty.

5. These representatives were chosen in the same manner as representatives in the legislature and other officers are chosen. The election was to be held on the second Tuesday of October. The law of congress providing for the convention, required the delegates to meet at Chillicothe on the first Monday of November; and if they thought it ex-

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By whom was the constitution of Ohio framed? 3. By what authority was the constitution of this state framed? Of how many delegates was the convention composed? How were they apportioned among the counties? 4. How many from each of the several counties? 5. How

pedient to form a constitution, they might either proceed to form one themselves, or provide for the election of other persons to form a constitution.

6. The representatives elected to represent the several counties, met in convention at the place and time appointed, and continued in session until the 29th of November, when they agreed upon a plan or form of government; which, being signed by the delegates, became the constitution of the state.

7. The common practice is, after an intended constitution has been prepared by a convention, to submit it to the people for their approval and adoption at an election. If a majority of the people voting vote in favor of it, it becomes the constitution; otherwise it does not.

8. Of all the state constitutions, no two of them are in every respect alike, though all are in many respects very similar. In all the states, the government is divided into three departments,—the legislative, the executive, and the judicial. The legislature is composed of two assemblies, the members of which are chosen by the people to make the laws of the state.

9. The executive department consists of a governor, assisted by a great number of other officers, some of whom are elected by the people, and others are appointed in some manner prescribed by the constitution and laws. The governor, or chief magistrate, is elected by the people in all the states except three or four; in these he is chosen by the legislature. It is the business of this department to see that the laws are executed or carried into effect. The governor oversees the general business of the state, and recommends to the legislature such matters as he thinks ought to receive their attention.

10. The judicial department is composed of the different courts of justice. All judges and justices of the peace are

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were they chosen? What power did congress give the convention? 6. When did the convention meet, and how long sit? 7. How are constitutions usually adopted? 8. Are the constitutions in all the states alike? In what particulars are they similar? Of what is the legislature composed? 9. The executive department? 10. The judicial department. What is their business?

judicial officers. It is their business to judge of the laws, and to decide what is just and right between citizens. There are several kinds of courts in a state. Some are of a lower, and others of a higher order. The manner in which these courts are constituted is not precisely the same in all the states; but their general powers, and their manner of conducting trials, are the same.

CHAPTER VII.

Of the Election of Officers; and by whom they are elected.

1. HAVING shown how the constitution was made and adopted, I proceed to show what the government under this constitution is, and how it is administered. The first act of political power performed by the people, is, as we have seen, the establishment of their constitution or form of government. To transact the great amount of business which is to be done in the various departments of the government, requires a great number of officers. Hence, the next act of political power is the election of the necessary officers to administer the government.

2. There is once a year, on the second Tuesday of October, a general election throughout the state, for the election of state and county officers, and members of congress. What officers are chosen at this and other elections, and what are the powers and duties of these officers, will appear hereafter.

3. When we speak of officers being elected by *the people*, we do not mean all the people of every class; but such only as are entitled by the constitution to vote at elections. It is not considered proper for females to take part in the government; and boys have not sufficient knowledge and judgment. The constitution therefore allows none to vote at elections but *male citizens* of the age of twenty-one years and upwards.

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1. What is the first act of political power performed by the people? *The next?* 2. When is the general state election held? What officers *are then chosen?* 3 What persons only are allowed to vote? At what

4. But not every male citizen of this age is qualified to vote. A person that has but just come into the state, is not supposed to be well enough acquainted with the government to take part in it; nor would he be likely, being a stranger, to know what persons to vote for. The constitution therefore requires that a man must have resided in the state a year, before he is entitled to vote at an election: and he must also actually reside in the county or district in which he offers to vote.

5. In most of the states, formerly, such only as owned property of a certain amount, or paid rent or taxes, were entitled to vote. In a few states this is still the case. In this state, every white male citizen of the age of twenty-one years, who has paid, or is charged with, a state or county tax, may become a voter. A highway tax is a tax of this kind; and as nearly every man is liable to labor on the roads, very few are denied the right to vote. The right of voting is sometimes called the *right of suffrage;* and where all the freemen enjoy this privilege, it is said suffrage is *universal;* and where the privilege is restricted to those who have property, or who pay taxes, we say, there is a *limited* suffrage.

6. But when it is said that all male *citizens* over twenty-one years of age may vote, not every *man* of that age is meant. Persons born in other countries, are called *foreigners*, or *aliens*. They are not in law citizens, nor entitled to the rights of freemen. A way is provided, however, in which they may become citizens, after having been in this country a certain number of years. This is called becoming *naturalized;* that is, becoming entitled to all the rights and privileges of *natural* born citizens, or citizens born in this country. (See Naturalization.)

7. Persons also who have been convicted of infamous crimes, may not thereafter vote at elections, unless restored to their former rights in some way provided by law. An infamous crime is declared by the law of this state to be

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age? 4. To make a man a voter, what is required respecting his residence? 5. What is said about owning property, &c., as a qualification for voting? What is the right of suffrage? 6. Do aliens vote? Can they become voters? How? 7. Does crime ever disqualify persons?

one that is punishable with death or imprisonment in the penitentiary.

8. Colored citizens, also, are denied the right of suffrage in this state. In some states they may vote under certain restrictions. Whether color should or should not disqualify a person for exercising this right, is a question upon which the people differ in their opinions.

9. Elections are conducted by the trustees in the several townships, who are called judges of election. It is their duty to see that all business at an election is properly and fairly done; and the township clerk, and another person to be chosen by the judges, serve as clerks of the election. If any of the trustees or the clerk are not present, the electors may choose, *viva voce*, suitable persons in their places.

10. Each of the clerks has a poll-book, in which he keeps a list of the name and number of every elector voting at the election. *Poll* is a Saxon word, signifying head, and has come to mean person. Hence, so much "a head" means, so much for every person. And by a still farther change, it is made to signify an election, because the persons there voting are numbered. Thus, "going to the polls" has obtained the same meaning as going to an election, or to the place of voting; and the poll-list is the list of the names and number of voters.

11. The polls are usually opened between the hours of eight and nine in the morning, and closed at about four in the afternoon. Each elector hands to one of the judges a single ballot, containing the names of all the persons he votes for, and the name of the office for which each is intended. The judge receiving the ballot pronounces the name of the elector; and if no objection is made to his voting, and the judges are satisfied that he is a lawful voter, he puts the ballot into the box; and the clerks enter the name and number of the elector in the poll-books.

12. After the polls are closed, the box is opened, and the

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8. May colored citizens vote in this state? 9. By whom are elections conducted? What is their duty? Who are clerks of election? 10. What is the business of the clerks? Define the word *poll*. 11. Describe the manner of voting. 12. How is it ascertained that the voting

ballots are counted, to see whether the number agrees with the number of names on the poll-list. If the number of voters and the number of names are the same, it is presumed there has been no mistake in voting. The ballots are then examined, to ascertain the number of votes given for each person. A statement of the names of all the persons voted for, and the number of votes given for each, signed by the judges and clerks, is sent to the clerk of the court of common pleas of the county; and a copy of the same is deposited with the township clerk.

13. The clerk of the county court, with two justices of the peace, examines the returns made to him from the several townships, and sends to the proper officers at the seat of government of the state, a statement of the whole number of votes given for each person voted for in all the townships of the county; and a copy of such statement is kept by the clerk in his office. Hence, the election of county officers and other persons voted for only in the county, is ascertained as soon as the returns are received by the county clerk from all the townships in the county. And when returns are received at the seat of the state government from all the county clerks, it is determined what persons have the greatest number of votes for governor and other state officers.

CHAPTER VIII.

Of the Legislature; and how it is formed.

1. The legislative or law-making power of the state, is vested in a senate and a house of representatives. These two bodies, when assembled for the purpose of enacting laws, are called the general assembly. The house of representatives is composed of seventy-two members; and the

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has been correct? What statement is then made; and whither sent? 13. What is then the duty of the county clerk? How, when, and where, is it determined who are elected?

1. In what is the law-making power of the state vested? What are these two bodies, united, called? How many members has the house of

number may never exceed seventy-two, nor be less than thirty-six. The present number was fixed by the legislature in 1844. They are chosen every year.

2. Representatives are apportioned among the several counties, as nearly as may be, according to the number of white male inhabitants above the age of twenty-one years, in each county. Thus: In 1843, the state contained about 300,000 such inhabitants; which number, divided by 72, gives a little more than 4000, as the number entitled to one representative. Every county containing such number of white male inhabitants above twenty-one years of age, is entitled to a representative.

3. But as there is a greater number of counties in the state than of representatives, not every county, alone, can have a representative. Hence, two or more counties sometimes unite in electing one. And there are a few counties whose population is so numerous as to entitle them to two or more representatives each. But if the number of inhabitants in a county is but a little greater or a little less than the number required, it is usual to give to such county one representative. For example: Ashtabula, having 5535 white male inhabitants of twenty-one years of age, has but one representative; and Lake, with little more than 3000 such inhabitants, has also one.

4. But the population increases much more rapidly in some counties than in others. In such counties, the number of representatives ought to be proportionably increased. It is therefore provided by the constitution, that, once in four years, an enumeration shall be made of all the white male inhabitants above twenty-one years; and that, after every such enumeration, the legislature shall fix the number of representatives, and make a new apportionment of them among the several counties, so that every county may have its just proportion of the representatives.

5. A representative must be at least twenty-five years of

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representatives? How long do they hold their office? 2 How are representatives apportioned? 3. In case a county has not enough of such inhabitants for a representative, what is done? 4. What provision is made for keeping a proportional representation in the several counties? 5. State the qualifications of a representative, as to age, citizenship,

age, a citizen of the United States, and an inhabitant of the state; and he must have resided within the county in which he shall be chosen, one year next preceding his election, and have paid a state or county tax.

6. The senate consists of thirty-six members; and the number may not be less than one-third, nor greater than one-half the number of representatives. The number of senators, like that of representatives, is fixed by the legislature after every enumeration. Senators are chosen once in two years. They are divided into two classes, and in such manner, that one-half of them, as near as possible, may be chosen every year.

7. Senators are apportioned among the several counties or districts, according to the number of white male inhabitants of the age of twenty-one years in each. There being but half as many senators as representatives, there are but few counties which have, singly, a sufficient number of inhabitants to be entitled to a senator. Most of the senators, therefore, are chosen in districts embracing a number of counties.

8. A senator must be thirty years of age, and a citizen of the United States; and must have resided in the county or district two years next preceding his election, and have paid a state or county tax.

9. If a senator or representative dies, or resigns his office; or if his office in any other way becomes vacant, before the term for which he was elected shall have expired, the governor orders the vacancy to be filled by the election of another person, in the county or district in which such vacancy happens.

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residence, &c. 6. How many members has the senate? How is the number limited? How and when is the number fixed? Term of office? How classified? 7. How are the senators apportioned? 8. What are the qualifications of a senator? 9. How are vacancies in the offices of senator and representative filled?

CHAPTER IX.

Organization of the Legislature; Privileges of Members; Appointment of Officers, &c.

1. THE general assembly meets, as required by the constitution, on the first Monday of December in every year, for the purpose of considering the condition of the state, and of enacting such laws as may be deemed necessary to promote the welfare of the people. The place of meeting is in the city of Columbus, which is called the *capital* of the state. A large and commodious building has there been erected for the legislature to meet in, which is called the *capitol.*

2. The two houses having assembled, each in its own chamber, every representative and every new senator is required, before proceeding to business, to take the oath of office; by which he solemnly swears, that he will support the constitution of the United States, and the constitution of the state of Ohio; and that he will faithfully discharge the duties of his office according to the best of his ability.

3. All persons elected to important public offices are required to take a similar oath. An oath is a solemn declaration, in which the person appeals to God to bear witness to the truth of what he declares. Oaths are required, because it is presumed that a person will feel a stronger obligation to do right when under oath than he otherwise would do. And yet many public officers, even under the obligation of an oath, discharge their duties very unfaithfully. It is important, therefore, that the people choose good men for office, who will act honestly.

4. It seldom happens that all the members can be present at the same time. The constitution therefore provides, that two-thirds of each house shall constitute a quorum to do business. *Quorum* means such number of a body of men

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1. How often, and when, and where, does the general assembly meet? 2. What oath do the members take? 3. What are the nature and the obligation of an official oath? 4. What number of members constitutes a quorum? What is quorum? 5. By whom are the rules and order of

as have power to transact business. In the legislatures of some states, and in congress, a majority—that is, any number greater than one half—is a quorum, and may do business.

5. Every legislative body must have some rules and order of doing business. The constitution allows each house to determine the rules of its own proceedings; but that the public may know what business is done, each house is required to keep a journal of its proceedings, and to publish the same, except such parts as ought to be kept secret. And that any person wishing may witness its proceedings, the doors of each house must be kept open, except when the public welfare requires secrecy.

6. In order to prevent any injury or interruption to the public business, the constitution provides, that members shall not, except for treason, felony, and breach of the peace, be arrested on civil process during the session of the general assembly, or in going to or returning from the same. This means, in plain language, that they shall not be detained by constables or sheriffs, on a warrant or any other civil process, commanding their bodies to be taken into custody.

7. Each house has power to expel any of its members, and punish its members and officers for disorderly behavior, by imprisonment; and may also punish other persons, as well as its members, for contempt or insult offered the house, for disorderly conduct tending to interrupt its proceedings, and for other like offences.

8. Each house chooses one of its members to preside over it, who is called *speaker*.

9. It is the business of a presiding officer to keep order in the house, and to see that its business is done according to the rules of the house. And when a question is to be decided, he "puts it to vote;" that is, he requests the members to express their minds by "*aye*" or "*no*," in favor of or against any measure; and declares the question to be

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business determined? How may the public know what business is done? 6. What privilege have members, as to arrest? What does this mean? 7. How, and for what, may members and others be punished by the house? 8. By whom is a speaker chosen? 9. What is a speaker's bus-

carried or lost, as the case may be. This part of a speaker's business is much the same as that of the chairman or president of the meeting of a society, or of a district school meeting. Probably most boys of the age of ten years have seen how business is conducted in such meetings.

10. Each house also chooses a *clerk*, to keep a record or journal of its proceedings, and to do such other things as are usually done by the secretary of a meeting; a *sergeant-at-arms*, whose duty it is to arrest members or other persons who are guilty of disorderly conduct, to compel the attendance of absent members, and to do other business of a like nature; also, one or more *door-keepers*. The officers mentioned in this section are not selected from the members of the house, but from the citizens at large.

CHAPTER X.

How the Laws are enacted, &c.

1. When the two houses have appointed their officers and are ready for business, the governor sends to both houses a *message*, which is read to each house by its clerk. The governor exhibits, in his message, the condition of the affairs of the state, and calls the attention of the legislature to such subjects as he thinks ought to be acted on.

2. Soon after the legislature has commenced its business, the committees of each house are appointed. A *committee* consists of one or more persons appointed or chosen to consider and to act upon any matter intrusted to them. A legislative committee generally consists of either three, five, or seven members. The committees are numerous, and are usually appointed by the presiding officer of each house. There is a committee on agriculture; another on banks; another on railroads and canals; another on the division of townships and counties; another on common schools; and

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ness? 10. What other officers of the house are chosen?

1. When is the governor's message delivered to the legislature? What is the object of a message? 2. What is a committee? Of how many

a committee on almost every other subject of a general nature.

3. The object of appointing these committees, is to save the time of the house, and to hasten the transaction of business. Let us see how this is done. In so great a state as this, many laws must be enacted every year. Some measures are recommended by the governor; others are proposed by members. Besides these, the people from different parts of the state apply to the legislature for laws authorizing the making of canals and railroads, the incorporation of banks, the division of counties or the erection of new ones, and for other purposes; for these things cannot be done unless authorized by law.

4. But it may be asked, Why may not the people make canals and railroads, and establish banks, and do many other things, whenever and wherever they please, without a law authorizing them to do so? Because, although some persons might be benefited by these things, others might be injured by them. And if a law is asked for, the legislature ought to inquire whether such law would be proper or not.

5. Now, if there were no committees, the time of the whole house must be spent in examining every subject brought before it. And as hundreds of things need attention at every session of the legislature, and as it often requires many days, and sometimes weeks, duly to examine important subjects, there would not be time enough in the whole year to dispose of them all.

6. But as a committee consisting of a few members can make the necessary inquiries into a proposed measure, and ascertain the reasons in favor of or against it, as well as the whole house, every subject is referred to its appropriate committee, so that the consideration of many subjects may be going on at the same time. Petitions for canals are referred to the committee on canals; for banks, to the committee on banks; and so of every other. And if a subject arises which it is not deemed proper to refer to a *standing*

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members does a committee consist? 3. What is the object of appointing committees? Explain their utility. 4. Why ought not canals, banks, &c., to be made at pleasure? 6. What are petitions? How are they referred? What are standing committees? Select commit-

committee, a *select* committee is appointed for the special purpose of considering such subject.

7. The members of the several committees meet from time to time, when the house is not in session, to consider the matters referred to them. And if any persons wish to appear before a committee to show cause why the laws asked for ought to be passed, or why they ought not to be passed, the committee gives them a hearing.

8. After due inquiry and consideration, committees make their reports to the house. A *report* of a committee contains a statement of the facts that have been ascertained, and of the reasons why the law prayed for ought or ought not to be passed. If a committee reports against a measure, the house generally dismisses the subject: if the committee reports in favor of such measure, it usually brings in a bill with the report. A *bill* is a draft or form of a proposed law.

9. Not all bills, however, which are brought before the house are reported by committees. Any member of the house desiring the passage of a law, gives notice that he will, on some future day, ask leave of the house to introduce a bill for that purpose; and, at the time specified, if the house shall grant leave, he may introduce the bill. But in all cases, at least one day's previous notice must be given of his intention to ask leave, before leave can be granted to introduce a bill.

10. A bill must go through many forms of action before it can become a law; all of which it is not deemed important to detail in this place. It must be read three times; but it may not be read oftener than once on the same day, without consent of three-fourths of the house. Nor can it be amended or altered before its second reading.

11. On some day after that on which it was read the second time, it is called up for consideration; and if amendments are deemed necessary, they are made. When a bill is taken up for consideration and amendment, the speaker

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tees? 7. How is the business of a committee done? 8. When and what do committees report to the house? What is a bill? 9. Are all bills reported by committees? How are bills introduced by members? 10. How often must a bill be read before it is passed? How often before it is amended? 11. When a bill is taken up for consideration and

usually calls some other member to the chair, who is called *chairman;* and the speaker takes his seat among the members. At such times the house is said to be in *committee of the whole.* After a bill has been fully discussed and amended, it is ordered to be read on a future day the third time. Further amendments may, however, be made to a bill on its third reading.

12. When the final vote of the house is to be taken upon a bill after its third reading, the speaker puts the question: "Shall the bill pass?" And he requests those who are in favor of its passage to say *aye*, and those who are opposed to it to say *no*. If a majority of the members present vote in the affirmative, the bill is passed; but if a majority vote in the negative, it is lost. Or, if the ayes and noes are equal, the bill is lost, because there is not a *majority* in its favor.

13. In some legislative bodies, the speaker, or chairman, does not vote, except when there is a *tie;* that is, when the ayes and noes, without his vote, are equal. If he shall then vote in the affirmative, the question is carried; if against it, it is lost. In such case, the vote of a presiding officer is called the *casting vote.*

14. When a bill has passed one house, it is sent to the other, where it must go through the same forms of action; and if it passes that house also, without alteration, it is signed by the speakers of both houses, and is a law. If a bill is amended in the second house, it is returned to the first; and if the amendments are there agreed to, the bill becomes a law. Some bills are sent several times from one house to the other, with new amendments every time, before they are finally agreed to by both.

15. In some states, after a bill has passed both houses, it is sent to the governor to be approved and signed by him. If he signs it, it is a law; if not, it is no law. This power of a governor to *negative* a bill is called *veto*, which is a Latin word, signifying *I forbid.* If a governor has refused

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amendment, who presides? What is the house then called? 12. On taking the final vote, what question is put? How is it known that a bill is passed or lost? 13. How are questions determined in some legislatures? What is a casting vote? 14. How is a bill disposed of after it has passed one house? 15. In some states, what further action is

to sign a bill, he must return it to the house in which it originated; and if it shall again pass both houses, *two-thirds* of the members present in each house voting for it, it becomes a law without the governor's approval.

16. Members of the legislature receive for their services $2 a day, and the same for every twenty-five miles they travel in going to and returning from the place of meeting.

CHAPTER XI.

Of the Executive Department, and of the general Administration of the State.—Governor, and subordinate Executive State Officers.

1. HAVING treated of the legislative department, and shown how its officers are elected, and how their power is exercised in making the laws, I shall proceed to give a description of the executive department, of the election and appointment of its officers, and of their powers and duties in executing the laws and administering the government of the state.

2. By the constitution, the supreme executive power of the state is vested in a governor. There are also, in this department, several subordinate executive officers, who assist in administering the government. The *governor* is elected at the general election in October, and holds his office for two years, and until another shall be elected and qualified.

3. A person, to be eligible for the office of governor, must be thirty years of age; and he must have been a citizen of the United States twelve years, and an inhabitant of the state four years next preceding his election. He

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necessary? What is veto? How may a bill be passed without the governor's approval? 16. How much are the members paid for services and travel?

1. What is the business of the executive department? 2. In whom is the supreme executive power vested? When is the governor chosen? For what term? 3 What are the qualifications of a governor

cannot be chosen for more than six years, in any term of eight years.

4. The governor has many powers to exercise, and many important duties to perform. A few of those mentioned in the constitution are the following: He sends to the legislature, at the beginning of every session, a message, containing a statement of the general affairs of the state, and recommending such measures as he shall judge to be expedient. It is his duty, also, to see that the laws are executed, and to transact all necessary business with the officers of government.

5. The governor has power to grant reprieves and pardons. If a person has been found guilty of murder, for which he has been sentenced to suffer death, the governor may, if he should think proper to do so, put off the execution of the sentence to a later time than the day appointed. This is called granting a *reprieve*. If he should entirely free him from punishment, it would be granting a *pardon*. The governor has power to pardon for all offences, except treason, and cases of impeachment. [For a definition of these crimes, see TREASON and IMPEACHMENT.]

6. When a vacancy happens in the office of any person who receives his appointment from the general assembly, the governor has power, if the general assembly is not in session, to grant a commission to some person to fill such vacancy until the general assembly, at its next session, shall make an appointment. [A *commission* is a writing, giving to a public officer the power to serve.] Judges, also, and many other officers, civil and military, though not appointed by the governor, must receive commissions from him, before they enter upon the duties of their offices.

7. In case of the death of the governor, or if he shall resign his office, or shall be removed for bad conduct, the speaker of the senate shall act as governor, until the governor shall be restored, or another governor elected and qualified. And in case the speaker of the senate shall be-

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4. What principal duties of the governor are mentioned in this section? 5. What is it to reprieve, and to pardon? In what cases may reprieves and pardons be granted? 6. In what cases does the governor fill vacancies? And for what period? What is a commission? 7. How are

come in any way disqualified, or unable to serve, the speaker of the house of representatives shall discharge the duties of the office, until a governor shall be elected and qualified.

8. There are sundry other provisions in the constitution, relating to the powers and duties of governor, a particular reference to which is here omitted; but which it will be well for the student to examine. [See Const., Art. II.]

9. The principal executive officers who assist in the administration, are the secretary of state, the treasurer, the state auditor, and the state printer. These officers are chosen by joint ballot of the senate and house of representatives, for the term of three years. [In appointing by *joint ballot*, both houses join, and in a single body, choose an officer by ballot.] These officers keep their offices at the seat of government.

10. The secretary of state is required by the constitution to keep a fair register of all the official acts and proceedings of the governor; and, when requested, to lay the same, and all papers relating to them, before either branch of the legislature; and to perform such other duties as are assigned to him by law. He has charge of all the laws enacted by the legislature, and of all other papers and documents which the laws require to be kept in his office. His duties cannot all be here enumerated.

11. An important duty of the secretary of state, is the part he takes in publishing the laws. If it is necessary to make laws, it is equally necessary that the people know what the laws are. When a law goes into effect, everybody is bound to obey it; and he must suffer the consequence of breaking it, whether he knows what it is or not. The legislature has therefore made provision for publishing all the laws that are enacted.

12. The secretary causes accurate copies to be made of the laws and resolutions passed by the general assembly, and delivers them to the state printer, who is required, after

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vacancies in the office of governor supplied? 8. Has the governor any other duties? 9. Who assist in the administration? How are these officers appointed? 10. What are the general duties of the secretary of state? 11. Why is it necessary to publish the laws? 12. What is

the close of each session, to print many thousand copies of the laws, and also a large number of copies of the journal of each house. [The *journal* is the record or account of each day's proceedings of the Legislature.]

13. When the laws and journals are printed and stitched in volumes, the secretary of state causes them to be distributed. The number assigned to each county, is sent to the clerk of the court of common pleas, to be distributed among all the principal county and township officers. The governor and state officers, members and officers of the general assembly, and officers of the courts, are also entitled to copies; and one or more copies of the laws are also kept in the office of each township clerk, for the use of the inhabitants, that they may learn what the laws are. Certain literary institutions also are entitled to a copy each, of the laws and journals. And one or more copies of the laws are exchanged with each of the states, for copies of their laws, to be kept in the state library.

14. The secretary of state also performs the duties of superintendent of common schools, some of which will be described in the chapters relating to schools.

The secretary's salary is $900 a year.

15. The *treasurer* has charge of all the public moneys that are paid into the treasury, and pays out the same as directed by law. And he is required to keep an accurate account of such moneys, specifying the names of the persons from whom received, to whom paid, and for what purposes. And he must make a written report to each branch of the general assembly, on the third day of the session, showing the state of the public accounts and funds, and the balance remaining in the treasury.

16. As large sums of money come into the hands of the treasurer, which he might refuse to pay over when called for, or which might be lost through his carelessness, he is required, before he enters on the duties of his office, to give

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done by the secretary in getting the laws printed? 13. How are the laws distributed? To whom? 14. The duties of what other office does the secretary perform? What is his salary? 15. Mention the general duties of the treasurer. To whom, when, and what does he report? 16 Why is a *bond* required of the treasurer? What is the nature of

a bond, in the sum of $250,000, with at least six sufficient sureties, that he will faithfully perform the duties of his office. The sureties are persons who are supposed to be able to pay this sum, and who bind themselves to pay to the state whatever the treasurer shall fail to pay, but not more than the sum mentioned. Public officers generally, who have the care of money, are required to give bonds of this kind.

17. The *state auditor* manages the fiscal concerns of the state; that is, the business relating to the money, debts, land, and other property of the state. He examines and adjusts all accounts and claims against the state, which are to be paid out of the state treasury, and for the sums due from the state, he issues bills payable at the state treasury; and keeps a regular account with the treasurer, charging him with all the money he (the treasurer) receives, and giving him credit for all the bills paid by him.

18. The auditor also transacts business with the county auditors, and superintends the collection of moneys due the state; and he makes annually to the legislature a statement of the funds of the state, and of its income and expenditures during the preceding year. The duties of the auditor are very numerous. He is assisted by clerks. He is required to give bonds in the sum of $10,000, for the faithful discharge of his duties.

The salary of the auditor is $1200; that of his chief clerk, $600.

19. The *state printer* receives from the secretary of state, a copy of the laws, and from the clerk of each house, a copy of the journal, bills, reports, and other papers and documents, and prints such number of copies of them as the general assembly has directed to be printed. The prices of the work, and the manner in which it is to be done, are specified in the law. For the due performance of the work, his bonds are $10,000. *

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this bond? For what amount is it given? 17. What is the business of the state auditor? 18. What other duties does he perform? To whom does he report? When, and what? How large are his bonds? What is his salary? Of his chief clerk? 19. Mention the duties of the state printer. The amount of his bonds.

CHAPTER XII.

Of County Officers; their Powers and Duties.—County Commissioners, County Auditor, and County Treasurer.

1. THE necessity of dividing a state into smaller portions of territory will be readily seen. It would be impossible for the state officers, whose duties and powers have been described, to transact all the business of the state. Not only is their number too small, but they are at too great a distance from the people in the remote parts of the state. Hence, every state in the Union is divided into smaller portions of territory, with a kind of government in each. The smallest general division of the state is into townships, a number of which compose a county.

2. County officers are elected by the people of each county, at the state election in October. The officers are these: three county commissioners, a county auditor, a county treasurer, a county recorder, a sheriff, a coroner, a county surveyor, and a prosecuting attorney.

3. The *county commissioners* are chosen for three years, one to be elected every year. When a vacancy happens in the office of commissioner, the associate judges may appoint a person to fill such vacancy until the next election, when the people choose a commissioner; but he is chosen to serve only for the unexpired part of the term of him whose place became vacant. They meet at the county seat three times a year for the transaction of business.

4. It is the duty of the commissioners to examine the accounts of the auditor and treasurer, and direct the auditor to publish a statement of the receipts and expenditures for the past year. They also make orders or contracts in relation to building or repairing the court-house, jail, and other county buildings; manage and dispose of the property of the county generally; and perform such other duties as the

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1. Why is it necessary to divide a state into townships and counties? 2. How and when are county officers chosen? What are these officers? 3. How long do commissioners serve? How are vacancies in the office filled? 4 What are some of the duties of commissioners?

laws require. They are paid for their services out of the county treasury, on the order of the county auditor. Their compensation is $2 a day.

5. The *county auditor* holds his office for two years, commencing on the first day of March next after his election. Vacancies in this office are filled by the commissioners, who may appoint a person to serve as auditor until another shall have been chosen at the next election. The auditor may, when necessary, have a deputy to assist him. Deputies are appointed by the commissioners. The auditor's office must be kept at the county seat.

6. The auditor must give a bond, with two or more sureties, such as the commissioners shall approve, for the faithful performance of his duties, and take the usual oath of office.

7. It is the duty of the auditor to serve as clerk of the board of county commissioners at all their meetings; to keep a record of their proceedings; to preserve all the books, records, maps, and other papers required to be kept in his office; and to keep an account with the treasurer. He also settles and allows all accounts and debts against the county not otherwise settled, and gives orders on the treasurer to pay the same.

8. He has also duties to perform in relation to lands, taxes, schools, roads, and many other things. It will be seen, that his business is in many respects similar to that of the auditor of state. He also transacts business with the state auditor, and with officers in the townships of the county.

9. The auditor is paid out of the county treasury. He receives no fixed salary, but is paid fees for most of his services. There is a difference between salary and fees. A *salary* is a sum paid to a person for his services by the year; a *fee* is the sum paid for each separate act of service. Thus an auditor is allowed, for every order he draws on the

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How and how much are they paid? 5. How long does the auditor hold his office? How are vacancies filled? By whom are his deputies appointed? 6. How about his bonds and oath? 7. What are some of the duties of the auditor? 8. What other duties are here mentioned? 9. How is he paid? State the difference between salary and fees 16.

county treasury, five cents; for recording certain proceedings, every hundred words, ten cents; for every road bond, twenty-five cents, &c.; which several sums are called *fees*. He receives, however, as clerk of the commissioners, and for a few other services, $2 a day; and for attending sale of school lands, $3 a day.

10. The *county treasurer* is elected for two years, his term to commence on the first Monday of June next after his election. Vacancies in this office are filled by the county commissioners. The treasurer must give bonds with four or more *freehold* sureties, to be approved by the county commissioners, and in such sum as they shall direct. He must also take the oath of office.

11. The treasurer receives all money which is required to be paid into the treasury for county purposes, and pays out the same on the orders of the auditor; and makes a settlement every year with the auditor, and with the commissioners. He also receives all moneys required by law to be paid into the county treasury for state purposes; and pays annually to the treasurer of state such sum as shall, on settlement with the county auditor, appear to be due the state.

12. The treasurer also superintends the collection of taxes in the county, for which he may appoint deputies to assist him. Certain other duties devolve upon him. He receives, as compensation, five per cent.,—that is, five dollars on every hundred dollars received and paid out during the year, except that on which some other rate of compensation is fixed by law.

For what term is the county treasurer elected? How are vacancies filled? What bonds does he give? What is a *freehold* surety? 11. 12. Mention some of the duties of the treasurer His compensation.

CHAPTER XIII.

County Officers, continued.—County Recorder, Sheriff, Coroner, County Surveyor, and Prosecuting Attorney.

1. THE *county recorder* is elected for three years. Vacancies in this office are filled by the county commissioners, as in the cases of auditor and treasurer; and like them he keeps his office at the county-seat.

2. He is required to give bonds in the sum of $2,000, with two or more sureties, to be approved by at least two of the judges of the court of common pleas; and to take the official oath.

3. The recorder provides, at the expense of the county, suitable books, in which he records all deeds, mortgages, and other instruments of writing presented to him, and which are required by law to be recorded. The fees for recording deeds and other instruments, are ten cents for every hundred words they contain, to be paid by the person presenting the same to be recorded; and the same for transcribing any instrument of record. The fees for recording, and for numerous other items of service, are fixed by law.

4. The *sheriff* is elected for two years; and he may not hold the office longer than four years in any period of six years. In case of vacancy in the office of sheriff, the coroner serves as sheriff; and if the offices of both the sheriff and coroner become vacant, the court of common pleas, or the associate judges thereof, may appoint a person to perform the duties of sheriff, until another shall have been chosen at the next annual election.

5. The sheriff and coroner must give bonds with two or more sureties, to be approved by the court of common pleas, in a sum not exceeding $20,000, nor less than $3,000; which sum may be increased, if the court deem it necessary.

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1. For what term is the county recorder chosen? How are vacancies filled? 2. What bond does he give? 3. What is his principal business? His fees for recording? 4. How long is the sheriff's term of office? How are vacancies in this office supplied? 5. What provisions respect-

6. It is the duty of the sheriff to attend the sitting of all courts held in the county; to execute all warrants, writs, and other process directed to him by the lawful authority; to apprehend persons charged with crime; and to take charge of the jail, and of the prisoners therein. It is his duty also to preserve the public peace; and he may cause all persons who break the public peace within his knowledge or view, to give bonds, with sureties, for keeping the peace, and for appearing at the next court of common pleas, and commit them to jail if they refuse to give such bonds. He performs many other duties.

7. The *coroner* inquires into the cause of the death of persons who have died by violence, or suddenly, and by means unknown. When such death occurs, notice is given to the coroner, who orders a jury to be summoned, and witnesses subpœnaed, and repairs to the place of such dead person, to inquire into the cause and manner of the death. Hence, such examination is called a *coroner's inquest.*

The fees of sheriffs and coroners are fixed by law.

8. The *county surveyor* is chosen for three years; gives bonds in the sum of $2,000; and takes the official oath. He may appoint deputies, for whose acts he is responsible. The court of common pleas, or, in the time of vacation, the associate judges, may fill vacancies.

9. It is the business of a county surveyor to survey lands, and to fix and determine the lines and boundaries of them where they are in dispute; to survey lands lying in the county and sold for taxes; and to make such other surveys, and perform such other duties, as are required by law.

10. The *prosecuting attorney* is elected for two years. His business is to prosecute for the state all complaints and suits in which the state is a party. All breaches of the peace, and crimes, are considered as committed against the people of the state: hence, persons charged with such of-

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ing the bonds of the sheriff and coroner? 6. What are the duties of a sheriff here mentioned? 7. What is the business of a coroner? How does he hold an inquest? 8. For what term is a county surveyor elected? How large is his bond? How are vacancies filled? 9. What is a surveyor's business? 10. How long is the term of a surveyor?

fences are prosecuted in the name of the state; and an attorney is chosen to attend to trials of this kind in each county.

11. The *directors of the poor-house* are chosen for three years, one every year. They appoint a superintendent of the poor-house, to reside in or near it, who takes charge of the poor sent thither, and is governed by the rules and regulations of the board of directors. The directors visit the poor-house monthly, to see how the poor are treated. They may bind out poor children as apprentices; males until the age of twenty-one years, and females until they are eighteen. The directors report yearly to the county commissioners an account of their proceedings, contracts, and disbursements, and the condition of the institution.

CHAPTER XIV.

Election of Township Officers; their Powers and Duties.

1. The annual election for choosing township officers, is held on the first Monday of April, at a place previously designated by the trustees of the township. The trustees are the judges of election; and the clerk of the township, and another person appointed by the judges, serve as clerks. This election is conducted in the same manner as the election of state and county officers in October.

2. The officers to be chosen at township elections, are, a township clerk, three trustees, one township assessor, one township treasurer, and such number of constables and supervisors of highways as shall have been directed by the trustees to be chosen. The officers, within ten days after their election, take the usual oath of office. Vacancies are filled by the trustees.

3. The township clerk keeps the records, books, and pa-

What is his business? 11. For what term are the directors of the poor-house chosen? What are their duties?

1. On what day, and at what place, are township elections held? Who are judges and clerks of the elections? 2. What officers are chosen at this election? How are vacancies filled? 3. What are the

pers of the town. He records in a book the proceedings of the township meetings, and the names of the officers elected; township roads established by the trustees; the brands and marks of cattle, sheep, and hogs, used by the owners; and a map of the school districts in the township. And afte the township officers have made their annual settlement of accounts, he makes out and records an account of all the receipts and expenditures of the township for the preceding year.

4. The *trustees* have the general management of township affairs. They have power to lay out township roads, and to lay out and alter road districts; and to do many other things in relation to roads and bridges, taxes, the poor, common schools, &c. And they are required to settle the accounts of the supervisors of highways, the township treasurer, and overseers of the poor; and to examine and settle all demands against the township; and for this purpose they meet with these officers every year.

5. An important duty of the trustees is to take care of *the poor*. It is the duty of every government to provide for the support of persons who, through misfortune, have been reduced to a state of poverty, and who are unable to support themselves. Such provision has been made in this country, and to such extent, that no person is compelled to beg for the means of support; and consequently the people of this country are but little troubled, and seldom imposed upon, by vicious persons who go about begging from the honest and industrious citizens.

6. When the trustees are informed that a person is poor and needs relief, and ought to be supported at the public expense, it is their duty to provide for his support, the expense to be charged to the township; or, if there is a county poor-house in the county, they order such person to the directors of the poor-house, to be provided for. If the directors of the poor-house, for lawful reasons, reject a pauper sent to them by the trustees of a township, then the trustees must provide for his support.

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duties of the township clerk? 4. Mention the general duties of the trustees. 5, 6. What is the duty of the trustees respecting the poor?

7. If a poor person who needs relief has not gained a legal settlement in the township, the trustees cause him to be removed to the place where he was last legally settled. If the health of such person will not permit his removal, the trustees afford relief until he may be removed; the expense of such temporary relief, and of the removal, to be paid by the township to which the person is removed. If the pauper has no legal settlement in the state, the trustees may remove him to the state or county where he has a legal settlement, unless he shall give bonds that he shall not become chargeable to the township or county where he is.

8. To gain what is here called a legal settlement, a person must have resided in the township for a whole year, without ever having been warned by the overseers to depart out of the township, and for three years together after having been once warned. A different rule applies to minors, apprentices, and certain other persons.

9. The duties of the *township assessor* relate to the assessment of property and levying of taxes. [See chapter XVI.] He also takes the census, or enumeration of the white male inhabitants above twenty-one years, which is required by the constitution to be taken every four years.

10. The *township treasurer* receives all moneys belonging to the township, and pays out the same as they may be wanted for township purposes, and accounts yearly to the proper officers.

11. *Constables.* The principal duties of a constable are, to serve all processes issued by justices of the peace in suits at law for collecting debts, and for arresting persons charged with crimes. The business of a constable in executing the orders of justices of the peace, is much the same as that of a sheriff in relation to the county courts.

12. *Supervisors of highways.* In the election of supervisors, the electors do not all vote for the whole number of

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7. What is to be done when a pauper has no legal settlement in the township or state? 8. How does a person gain a legal settlement? 9. To what, principally, do the duties of a township assessor relate? What else does he do? 10. What is the business of township treasurer? 11. Of constables? 12. How are supervisors of highways elected?

supervisors. It is intended that the voters in each road-district shall vote only for a supervisor in their own district. It is provided, therefore, that each elector shall vote for only one person for this office. The person residing in each district who receives the highest number of votes, is elected supervisor.

13. It is the duty of each supervisor to repair and keep in order the roads in his district, and to see that all persons assessed come and work on them. Male persons of the age of twenty-one years, having resided in the township three months, may be required to work two days. The supervisor may require a person having a team, and wagon, scraper, cart, or plough, to furnish the same; for which he allows the person a reasonable compensation.

14. The supervisor may excuse certain persons who are unable to labor: and persons who do not wish to work, may *commute* for their labor, by paying to the supervisor seventy-five cents for every day they do not work. Persons who refuse to work, or commute, may be fined one dollar for every day so refusing to labor or commute; the money to be expended in improving the roads and bridges in the township. The supervisors account yearly to the trustees.

CHAPTER XV.

Incorporation of Towns.

1. The necessity of dividing a state into counties and townships has been shown in preceding chapters. In almost every county there are places where many inhabitants have settled upon a small territory. These settlements are usually called villages. Sundry regulations become necessary for the government of a village, which can be

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13. What are the duties of supervisors? Who are required to labor on highways? 14. How may persons be excused and exempted from labor? What is commute? How much is the fine for refusing to labor or commute? To whom, and how often, do supervisors account?

1. Where and why is the incorporation of towns necessary? 2. What

better made by the inhabitants than by the legislature. For this purpose they are formed into corporations, called *towns*.

2. A town is a body corporate, or body politic. A *body politic*, or *corporation*, is a number of persons united, and authorized by law to act under one name, and as a single person, in the transaction of business. So the people of a state or nation, united for the purpose of government, are called a body politic. Persons associated for any purpose without being incorporated by law, are not called a corporation. The object of incorporating an association by law is to give its members the power to make certain rules for their government, and to enforce these rules; and the power to sue and be sued, and to hold and sell property, as one person.

3. Men often unite their money or capital in trade, or in carrying on some other business, in company. This is called a partnership. A corporation is a kind of partnership; but it is very different from a common business partnership. Persons united in trade can bind none by their contracts but those who have consented to go into the partnership; and when they die the partnership must end. But not so with a corporation. When the persons who first composed the corporation are all dead, the corporation is still alive; for those who come after them have all the powers and privileges which those had who first associated.

4. There is another difference: No person can be brought into a partnership without his consent; whereas a law incorporating a city or village, brings all the inhabitants within its bounds into the corporation, often against the consent of many. Not so, however, with railroad, banking, and certain other corporations.

5. To illustrate the effect of an act of incorporation, let us suppose that it should be necessary to improve the sidewalks in an unincorporated village; but a part of the inhabitants are unwilling to pay their share of the expense of the improvement. There is now no authority to compel

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is a town? Define a corporation, or body politic. 3. In what do corporations and business partnerships differ? 4. In what other respect is *there a difference?* 5. *Illustrate*, by example, the nature and effect of

them to do so, without becoming incorporated according to law. There is a law in this state authorizing the inhabitants of any such place to form themselves into a town corporate, with powers necessary to make certain local regulations. In some states, a special act of the legislature is required for every corporation.

6. The corporation having been formed as the law directs, the inhabitants may meet at such place as two or more of the corporators shall select, and elect their town officers, to consist of a mayor, a recorder, and five trustees, for the term of one year. These constitute what is called the *town council*, and have power to lay and collect taxes, and to make other needful rules and regulations for the government of the town. And the officers, for and in behalf of the inhabitants of the town, may sue and be sued, hold and sell property, and do other things which an individual person may do. And when the present inhabitants shall have passed off, those who shall then occupy their places will constitute the same corporation.

7. Every township, and every county, is a corporation; the inhabitants being united for the purposes of government, with certain powers granted by the laws of the state. So also the people of the state constitute one great corporation. But this corporation is not formed by an act of the legislature, as other corporations are, but by the act of the people themselves in their political capacity, in making the constitution or political law of the state.

8. Besides these *territorial* corporations, as towns, townships, and counties, there are incorporated *companies* for carrying on business of various kinds, as railroad and turnpike companies, and companies for purposes of manufacturing, banking, insurance, &c. These several kinds of business, in order to be extensively and successfully conducted, require a larger amount of money than a single individual possesses. A number of persons therefore unite their cap-

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an act of incorporation. 6. What officers has a town corporation? What are their powers? 7. State the difference between the act of incorporating a state, and that of incorporating other bodies. 8. What kinds of companies are incorporated? Why are such companies incorporated?

ital, and ask for an act of incorporation, granting them powers which they could not have in the capacity of an ordinary business partnership. A more particular description of some of these corporations will be given in another chapter. [See Banks and Insurance Companies.]

CHAPTER XVI.

Assessment and Collection of Taxes.

1. It appears from the foregoing chapters, that to transact the business of the state, requires the employment of a great number of persons; and consequently, that the amount of money paid out every year to all these officers, must also be very great. And as no government can be maintained without expense, and as every person is in some way benefited by the government, it is the duty of all who are able, to pay something towards its support.

2. Every government must therefore have the power to provide the means of defraying its expenses. The way in which this is done, is chiefly by taxation; and the money which the citizens are required to pay, is called a tax. Taxes are usually assessed and levied upon the property of the citizens.

3. All lands and all personal estate are liable to taxation in this state, except public property; buildings erected for colleges, academies, and common schools; meeting-houses, with two acres of land; burial grounds; and the property of literary and charitable institutions.* *Lands, real property,* and *real estate,* have the same meaning, and include land, with all buildings and other articles erected or growing thereon. *Personal estate,* or *personal property,* includes all household furniture, money, goods, chattels, and debts due from solvent creditors.

4. As taxes are laid upon property, and as each person

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2. How is money obtained to pay public expenses? What is a tax?
3. What property is exempt from taxation? What is real, and what personal estate?

is to pay in proportion to the value of his property, the first thing to be ascertained is, what amount of property is owned by each person. The county commissioners of each county, every sixth year, divide the county into districts, not less than two, nor more than four, (Hamilton into at least six, and not exceeding twelve,) and appoint for each a *district assessor*, who, in such year, takes a list of the names of the owners, with a description and the value of each parcel of *real property* in every township in the district, and returns the same to the county auditor.

5. A list of the *personal property* in each township is taken every year by the *township assessor*, who makes returns of the names of the owners, and the real value of the property, to the county auditor. He also corrects the valuation and description of the real property, where new buildings have been erected and old ones destroyed. The returns of all the assessors, made to the county auditor, show the amount of the valuation of all the property in the county; and returns from all the county auditors to the state auditor, show the valuation of all the property of the state. It will next be shown how the taxes are assessed.

6. We have already seen that a large amount of money is every year required to defray the ordinary expenses of the government. Provision must also be made for paying the interest on the state debt, and such portions of the principal as become due from time to time. Now the legislature, knowing what amount must be raised for state purposes, and what is the aggregate valuation of the property in the state, ascertains how much per centum, or how much on every dollar of the valuation, is necessary to be levied for state purposes, and determines the same from time to time by law.

7. So also the county commissioners, knowing the amount to be raised for county purposes, determine annually how much per centum is to be levied to defray the coun-

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4. How, and how often, are district assessors appointed? What are their duties? 5. What does the township assessor do? 6. For what purposes besides ordinary expenses is money wanted? Who determines the amount to be raised for state purposes? 7. Who determine

ty expenses, and for road purposes. And the trustees of townships determine how much per cent. is to be levied on the valuation in their respective townships, for township purposes, and for the support of the poor in the townships.

8. The county auditor, having been instructed by the state auditor how much per cent. to levy for state purposes; by the county commissioners, how much for the county expenses; and by the trustees of townships, how much for the township expenses, he makes out the tax list for the county; that is, he estimates the amount of tax which each person has to pay.

9. The way of making out a tax list, or of apportioning the taxes, is presumed to be nearly as follows: Suppose the valuation of the taxable property of the state to be $200,000,000, and $600,000 to be wanted for state purposes. Three-tenths per cent., or three mills on every dollar of the whole valuation, will produce this sum. And suppose that two mills on the dollar of all the taxable property in the county, must be levied to defray the county expenses; and three mills on every dollar's value of property of the township, for township expenses; in all, eight mills on the dollar: the county auditor estimates every person's tax at this rate. Hence a man whose property is valued at $1000, is assessed $8; if valued at $750, his tax would be $6.

10. The taxes are collected by the county treasurer, and such persons as he may appoint to assist him. [For the manner of paying out moneys, and his compensation, see COUNTY TREASURER.]

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the same for county and township purposes? 8. Who makes out the tax lists? 9. Can you explain how this is done, by supposing a case? 10. By whom are the taxes collected?

CHAPTER XVII.

Of the Funds, Revenue, and other Property of the State, and the general management of them.—Canal Fund, and Canals.

1. THE grand object of a good government is to promote the happiness and welfare of its citizens. To do this it must secure to them the free enjoyment of their rights, as has been already observed. But the whole duty of the government is not done when it protects men in the enjoyment of life, and the fruits of their labor. It ought to go further, and make provision for improving the condition of the people, especially the less favored portions of them, that *all* may be rendered in the highest possible degree prosperous and happy. And as all must contribute to the support of the government from what they acquire by their labor, the government ought to do all it can to render the labor of all equally profitable.

2. But the people in different parts of a large state have not equal advantages. The people who reside near navigable waters and good roads, are better rewarded for their labor than those who reside at a greater distance from them. A man's farm is not very valuable when it costs him half as much to transport his grain and other products to market as he sells them for.

3. Hence we see the necessity of roads, canals, and other means of facilitating and cheapening transportation. But as individuals are not able to construct such expensive works, it becomes the duty of the government to provide for their construction. This is done in whole or in part by taxing the property of the people of the state. And although a portion of them do not need these improvements, it is but just that they should contribute to the common good. Sometimes funds are created, and set apart for this purpose, the

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1. What is here said of the duty of the government to its citizens? 2. What respecting the disadvantages of the people in certain parts of the state? 3. What is the benefit of canals, &c.? By what means are

income of which pays a part of the cost of such improvements.

4. A *fund*, in general, is a sum of money used for carrying on business of any kind. The money, or capital stock, which a merchant employs in trade, is a fund. So the money that is raised to pay the officers of the government, and to carry on the business of the state, and such other property as is set apart for this purpose, are called the funds of the state; and the interest of these funds, and all other income to the state, are called the *revenue*. The state has provided funds for several purposes; one of which is the *canal fund*.

5. In February, 1825, an act was passed by the legislature "to provide for the internal improvement of the state of Ohio, by navigable canals;" and the board of canal commissioners were authorized to commence the construction of a canal from the mouth of the Scioto to the lake, and so much of the Miami and Maumee line as lay between Cincinnati and Dayton.

6. For this purpose a fund was created, called the canal fund, to consist of such grants and appropriations of lands, property, and moneys as might from time to time be made for this object by the legislature and by individuals, and of taxes specifically pledged for the payment of interest on money borrowed. The net proceeds of all tolls collected on the canals also constitute a part of this fund. And congress has since made a grant of 840,000 acres of the public lands of the United States lying in this state.

7. Perhaps every young reader does not know how a law authorizing the construction of a canal is carried into effect. It cannot be done without money; but the income of the fund is not sufficient to pay the cost of the work as fast as it needs to be done—perhaps would never wholly pay it. And to levy a tax at once upon the citizens for the whole of its cost, would be too burdensome. The state therefore borrows the money of rich individuals for a long term of years. The business is done on the part of the state by

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they made? 4. What is a fund? A state fund? Revenue? 5. In what year was the construction of our canals authorized? 6. Of what was the canal fund at first to consist? What grant has congress made? 7. How is the money procured by the state to make canals? 8. What

persons duly authorized, who give for the money borrowed the bonds of the state, promising to pay the money at the time specified, with interest at the rate agreed on; the interest usually to be paid semi-annually.

8. These bonds are usually given in sums of $1000. The debts of a state are incurred by the issuing of these bonds, and are also called *state stocks*, because the capital or stock required to construct the state works is obtained by the sale of these bonds. These bonds or stocks may be sold and transferred as promissory notes, by one person to another. When they are sold for the amount for which they are given, they are said to be at *par:* when they are sold at a price either above or below the amount expressed in them, they are said to be above or below par.

9. These stocks are taken by men who have large sums of money to lend, and who consider state stocks good security; because, if the state has no other means of redeeming its bonds, the legislature has power to pass a law authorizing the money to be raised by a tax upon the people. Almost every state is thus indebted, not only to American capitalists, but to those of European countries, whence many millions have been sent to the United States to purchase state stocks.

10. The canals are now managed by a *board of public works*, consisting of three members appointed by the legislature. It is the duty of this board to see that the canals are kept in repair and supplied with water; to appoint collectors of tolls, and other officers, and fix their compensation; and to make rules and regulations concerning matters in general relating to the navigation of the canals. And if a new canal is to be made, this board employs the agents, engineers, surveyors, and such other persons as are wanted to do the work.

11. There is also a board of *canal fund commissioners*, consisting of the state auditor, the state treasurer, and another person elected by the legislature for three years,

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are the bonds of the state called? What is said of the nature of these bonds? 9. How and of whom is the money obtained for these bonds? Why are the state stocks deemed safe? 10. By whom are the canals managed? What are their duties? 11. Who are the canal fund com-

who is the *acting* commissioner. This board borrows money on the credit of the state, when authorized by the legislature to do so, for making canals or paying the canal debts; manages all the property belonging to the canal fund; and, at stated times, makes reports of all moneys borrowed or debts contracted, and for what purposes.

12. The *collectors of tolls* are appointed by the board of public works. The *tolls* are charges paid by the master or owner of a boat, for the privilege of transporting goods and other property on the canals. Specific prices are charged by the mile on every hundred or ton weight of merchandise, every barrel of flour, every 1000 feet of lumber, &c. Collectors are stationed at the several ports to receive the tolls.

13. The state of New York was the first to undertake the construction of canals on a large scale. Ohio is one of the states which soon followed in this enterprise; and, although possessed of less wealth than the older states, she has constructed a greater number of miles of canals than any other state in the Union. In the construction of these works, a large debt has been incurred, which is to be paid off by the tolls collected on the canals, the income of the canal fund, and by taxes annually levied upon the property of the citizens.

CHAPTER XVIII.

Funds, &c., of the State, continued.—School Fund, and Schools.

1. No people can be prosperous and happy without learning. In some countries, such as Turkey and some others, the people are degraded and miserable. This is owing to

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missioners? How appointed? Their duties? 12. By whom are the collectors appointed? What are tolls? How are they charged? 13 *By what state* was the first great canal constructed? What is said of *Ohio and her canals*? How is the canal debt to be paid?

1. What is here said of the advantages of education? 2. Why ought

their ignorance. They are governed by a despot, who rules over them with great rigor; and they scarcely know that they could be in a better condition. Indeed, for the want of education, they could not, if they were to try, govern themselves as the people of this country do. It is only where the great body of the citizens are well educated, that a free government can be maintained.

2. Hence, in order to continue free and prosperous, the American people must be educated. But a great part of the means of obtaining a good education [illegible] some persons who are too poor to pay for the education of their children; and the rich are [illegible] without some law to compel them. It must therefore be the duty of the government to provide the ways and means for the support of public schools, that the children of our country may all be educated.

3. For this object provision was made in some manner by congress, at an early period, while the lands were yet the property of the United States. By an ordinance of congress, the territory was laid out into townships containing thirty-six square miles each, being six miles square. Each township was laid out into sections of one mile square each, or one thirty-sixth part of the whole. There were however, three portions of the territory now comprising the state, which were not embraced in the provisions of the act of congress: the "United States Military Tract," the "Connecticut Reserve," and the "Virginia Military Reservation."

4. Provision was afterwards (1808) made for schools within these tracts also. Congress granted that one sixth part of the land in the Virginia Military Reservation should be appropriated for the use of schools within the same; and eighteen quarter townships in the United States Military Tract, being estimated one [illegible] part of the tract, for the use of schools within the same, and [illegible] quarter townships in the same tract for the use of schools in the tract called Connecticut Reserve. These [illegible]

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the government to provide for educating the people? 3. How were the lands originally laid out? By what authority? What tracts were excepted by this ordinance? 4. What provision was afterwards made

thirty-sixth part of the lands of the state is public property, set apart for the purposes of education.

5. These lands are either leased or sold; and the money arising from such lease or sale, is paid into the state treasury, and constitutes what is called the *school fund.* The state auditor keeps an account with each township having a school lot, and also with the several tracts before mentioned, that it may be known what portion of the school fund is derived from each such township and other district of country, and what portion of the interest on the fund belongs to each.

6. The state is at present the borrower of this fund; that is to say, it uses the money received from the school lands, in paying debts incurred in constructing its canals; and for such use it pays annually the interest, which is distributed among the several townships and other tracts, in proportion to the amount of each one's share of the school fund.

7. Besides this fund provided by congress, a temporary fund for the same purpose has been established by the state. This fund consists of interest on the state's share of the United States' surplus revenue, the revenue from banks, insurance and bridge companies, and other funds to be annually provided by the state; (in all $200,000;) which is to be distributed yearly among the several counties, in proportion to the number of white youth in each, between the ages of four and twenty-one years.

8. The "surplus revenue" above mentioned was received in 1837 from the treasury of the United States, into which there had accumulated more than thirty-seven millions of dollars more than was necessary to defray the expenses of the general government. This surplus not being wanted for government purposes, was distributed among the several states, to be kept by them until called for by congress. The sum deposited with this state, (sometimes called *deposit fund,*) was nearly four millions of dollars.

9. In addition to the money arising from the funds which

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respecting these tracts? 5. How are these lands disposed of? How are the proceeds applied? 6. To whom is this fund loaned? 7. What *temporary fund for school* purposes is provided? 8. What is this *surplus revenue? About* how much was this state's portion? 9. What

have been described, a considerable sum is raised yearly in every county by a tax, not exceeding two mills, nor less than one mill, on every dollar of the amount of taxable property in the county, to be levied and collected as other county taxes.

10. School moneys are generally apportioned among the several counties, townships, and districts, according to the number of children in each. The township clerk takes every year an enumeration of all white youth in his township, between the ages of four and twenty-one years, (omitting married persons,) and reports the same to the county auditor, who reports to the secretary of state the number of all such youth in the county. The secretary of state furnishes the state auditor with the number of such youth in each county; and the state auditor apportions the funds among the several counties. To the portion received by each county, is added the amount raised by tax in the county; and the whole is apportioned among the several townships and districts.

11. Districts are laid off, and altered, when necessary, by the trustees of townships. A meeting is held annually in each district, for the election of officers. Three *directors* are chosen, whose duty it is to manage the affairs of the district. One of the directors is to serve as clerk and treasurer.

12. The county auditor is the *county superintendent* of common schools, most of whose duties in relation to schools have been already mentioned. He apportions the school moneys among the districts, and gives to the township treasurers orders on the county treasurer; and makes abstracts of returns made to him from the townships.

13. The township clerk is the *town superintendent* of common schools. His duties also have been mentioned in part. He takes lists of youth; (see section 10;) fills vacancies in the office of district directors; visits the schools in his township once a year; and estimates the amount of mo-

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other sum is yearly raised for schools? 10. How are school moneys apportioned among the counties, &c.? 11. By whom are districts laid out? What officers are elected in the districts? 12. Who is county superintendent of schools? What are his duties? 13. Who is town

ney required in addition to what is derived from other sources.

14. The *state superintendent* (who is the secretary of state) collects information relating to the schools, the number of children residing in the districts, the number taught, and the amount paid for tuition; the number of school-houses, and the amount expended from year to year in erecting school-houses; and other matters in reference to the operations and effects of the common school system. He reports annually to the legislature the information collected, and suggests such improvements as he thinks ought to be made. It is his duty also to ascertain and report the condition and value of all the school lands, with the amount of the different school funds due to each township.

15. *School examiners* are appointed in each county by the court of common pleas, for the term of three years. They examine teachers; and to those whom they think competent to teach, they give a certificate to that effect. And for the convenience of teachers in distant parts of the county, they may appoint persons in the remote townships to serve as examiners. Examiners may also recommend school books to be used in the schools.

CHAPTER XIX.

Funds, &c., of the State, continued.—University Fund; Ministerial Fund; Road Fund; Public Buildings, &c.

1. Besides the school fund described in the preceding chapter, there is another called the *university fund*. At an early period, two townships of six miles square each, of a tract of land in the southern part of the state, called the "Ohio Company's Purchase," were granted by congress for a college. On these lands, now in Athens county, the legislature of the North Western Territory established an

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superintendent? What are his duties? 14. Who is state superintendent? What are his duties? 15. How are school examiners appointed? *What are their duties?*

1. *Give a description of* the university fund. To what institutions is

institution, now called the "Ohio University." Another township, situate in the southwestern part of the state, was also early granted by congress, on which is now the "Miami University." The avails of these lands, as they are sold, are paid into the state treasury for the benefit of these institutions.

2. There is also a *ministerial fund*. In a portion of the state, one section of land, one mile square, in each township, was granted by congress for the support of the gospel. The avails of these lands are paid into the state treasury, and constitute a fund, the interest of which is apportioned among the several townships according to the share which each has in the fund, and is distributed among all the religious denominations in each township in proportion to the number of adherents of each, for the support of religion.—(Cons. Art. 8, sec. 26.)

3. There is also a fund, called the *three per cent. fund*, for making and improving *roads*. The act of congress providing for the admission of the new state into the Union, made certain propositions to the people. The convention of delegates that framed the constitution, acting for the people, did not choose to accept these propositions fully, but proposed some alterations, which were agreed to by congress.

4. By the terms of these propositions, as modified, the one thirty-sixth part of the land was to be given for the benefit of schools, and three per cent. of the proceeds of the public lands (of the United States) sold within the state, was to be applied, under the direction of the legislature of the state, to the making and improving of roads within the state. The money thus accruing is apportioned by the state auditor among the several counties; and the county commissioners appropriate it for the improvement of roads, or repair of bridges, to be expended by such persons as the commissioners may appoint for that purpose.

5. The *national road* is also the property of the state.

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the income of this paid? 2. Describe the ministerial fund. How is this fund distributed? 3. To what object is the three per cent. fund applied? 4. How was this road fund obtained? How is it distributed? 5. *By what government* was the national road made? Whose property

This road, which passes through this and other states, was made by the government of the United States. That part of it which lies in this state, has been transferred by congress to the state. Tolls are collected on it, and applied to the keeping of it in repair. The road has been placed by the legislature under the direction of the board of public works.

6. The *public buildings* at the seat of government, erected there for the accommodation of the legislature and the state officers, are state property. They are under the care of persons appointed for that purpose.

7. The *state library* consists of books containing matter of a public nature: such as the laws of the state, enacted from year to year, the laws of the United States, and the laws of the several states; together with all public documents, and such works generally as the members of the legislature and other officers of the government have occasion to examine, and as it is important to preserve for future use; besides a large collection of miscellaneous works. The citizens at large have access to the library. It is under the control of the governor, secretary of state, and a librarian.

8. The *lunatic asylum* has been built by the state, for the benefit of persons who have become insane. Such persons are sent to the asylum, where they are put under the care of physicians. The affairs of this institution are managed by six directors, appointed by the legislature for six years, —one going out of office, and a new one being appointed, every year. The directors appoint a superintendent.

9. There is at the seat of government an extensive prison, called the *penitentiary*, in which are confined persons convicted of the higher crimes, punishable by imprisonment elsewhere than in a county jail. The buildings have been erected at the expense of the state. The penitentiary is under the direction of three directors, who hold their offices

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is it now? Under whose direction is the road? 6. What is said of the public buildings? 7. Of what consists the state library? Under whose control is it? 8. For what purpose is the state asylum used? By what officers is it managed? 9. What is a penitentiary? For what crimes are persons imprisoned there? How are the directors chosen? What

for three years, one to be chosen every year by joint ballot of the general assembly. They make regulations for the discipline and government of the penitentiary.

10. The directors appoint a warden, whose duty it is to carry into effect the rules of the directors; to purchase the raw materials or stock to be manufactured by the convicts; and to attend to the selling of the articles manufactured. He also provides food and clothing for the convicts, and has in charge all the operations of the establishment. He has deputies to assist him.

CHAPTER XX.

Sundry Laws, regulating the conduct of citizens.—Fences, Strays, Weights, and Measures.

1. EVERY owner of lands adjoining the land of another person, must make and maintain a just proportion of the division-fence between them, unless one of them shall choose to let his land lie open: but if he shall afterwards enclose it, he must refund a just proportion of the value of the fence, or build his proportion. A person may remove his part of a division-fence, by giving to the other party six months' previous notice.

2. If a dispute arises between the owners of adjoining lands, concerning the partition-fence, which they cannot settle themselves, either party may apply to the trustees of the township, who, after due notice shall have been given to the other party, shall proceed to view the fence, (they being fence-viewers,) and shall assign in writing to each party his equal share of the fence, to be kept in good repair. If either party neglects to keep his portion of a partition-fence in good repair, he is liable to pay for the damage which the other shall sustain in consequence of such neglect; the

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are their duties? 10. Who appoint the warden? What are the warden's duties?

1. What does the law require respecting the building, &c., of division-fences? 2. What is said as to the manner of settling disputes between persons respecting division-fences? What if one party neglects to keep

damage to be assessed, under oath, by three men appointed by a justice of the peace of the township.

3. Any person sustaining injury from a trespassing animal, may apply to the fence-viewers, after having given at least one day's notice in writing to the owner or keeper of such animal that he intends so to apply, and of the time when the fence-viewers are to examine the fence. If in their opinion the fence is such as every good husbandman ought to keep, they shall assess the damages, including the sum due for their services, and shall certify and sign the same. If the fence shall be deemed insufficient, the person calling the fence-viewers shall be liable for the cost of the view or examination. Fence-viewers are entitled to 75 cents a day.

4. Any person owning land in this state, or holding it by lease for three or more years, may take up in the township where he resides, any *stray* animal running at large in such township, between the first day of November and the first day of April thereafter, or a strayed horse at any time. The person taking up a stray, must, within three days, leave with the township clerk an accurate description of the marks, color, and supposed age of the animal; the clerk to record the same in a book, and to post up a copy on or near his office-door. And within five days such person must post up copies at three public places in the township.

5. If the strays are other than hogs or sheep, the person taking them up must also send a copy of the description to the clerk of the court of common pleas, to be entered on his stray-book; and must, within twenty days thereafter, state on oath before a justice, when and where he found the strays, and that he has not trimmed them nor altered their marks; or if any alteration has been made, he must so declare.

6. The justice then orders two suitable men to view and appraise the strays, and return to him the appraisement on oath, with a true description of their marks and supposed age; the appraisement and description, with the names of

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his part in repair? 3. How must a man proceed to obtain remedy for damage done by trespassing animals? 4. Who may take up strays? *During what time of the year?* How proceed? 5. How if the strays *are other than hogs or sheep?* 6. What provision respecting the ap-

the taker-up and appraisers, to be recorded by the justice in his stray-book. And the clerk, on the first day of the court next held after returns are made to his office, posts a list of all strays on or near the door of the court-house.

7. The owner of the strays may, within six months after they were taken up, receive such strays, on proving them to be his, and paying all lawful costs and charges. If the appraised value of the stray or strays of any one kind or species does not exceed seven dollars, and they are not claimed within six months, they become the property of the person who took them up. But if the valuation shall exceed seven dollars, they are advertised and sold by the constable to the highest bidder, the purchaser to pay down a sum sufficient to pay all expenses and costs, and to have a credit of nine months for the residue of the purchase money; and the obligation to be signed by one or more sureties, made payable to the township treasurer, and delivered to him for the use of the township. If the owner shall claim and prove the property within two years after the sale, he shall be entitled to the obligation, or to the money.

8. A uniform standard of *weights and measures* is established by law. The original standards of a yard, a pound, a dry gallon, a liquid gallon, and a half-bushel, are required to be kept by the secretary of state, who is the state sealer of weights and measures. The state sealer is required to procure and deposit a copy of the original standards with each county auditor, who is the county sealer, and also with the township sealer, where that office has been created.

9. Township sealers are required to compare the copies in their possession, once in three years, with those in the office of the county sealers. County and township sealers compare weights and measures brought to them, with the copies in their possession; and if they are not correct, they make them so, and mark and seal them. If a person uses a weight or measure that does not agree with the standard, and by which any purchaser suffers injury, the party in-

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praisement and the recording of strays? 7. On what conditions may the owner receive the strays? If they are not claimed within six months, what? What privilege has the owner after the strays are sold? 8. *Where* are the standards of weights and measures kept? 9. What

jured may sue the offender, and recover three times the amount of damage.

10. The bushel measure is to be 19½ inches in diameter; the half-bushel, 15¼ inches; and the peck, 12⅓ inches. Coal, ashes, and all commodities usually heaped, are to be heaped as high as the article measured will admit. Measures used for measuring dry commodities not heaped, are to be stricken with a straight stick or roller, and of the same diameter from end to end. When there is no agreement between parties as to weight or measurement, 60 pounds of wheat or clover-seed are to be taken for a bushel, 56 of rye or corn, 48 of barley, and 33 of oats.

11. The hundred weight shall consist of one hundred pounds avoirdupois; and twenty such hundreds shall constitute a ton.

12. Millers are entitled by law to one-tenth part of wheat, rye, or other grain ground and bolted; one-twelfth of grain chopped only; and one-eighth of corn. For taking a greater proportion, they may be fined not exceeding $20; one-half to be paid to the township, and the other half to the person prosecuting; and they are liable to the party injured for damage.

CHAPTER XXI.

Regulations concerning Taverns; Shows; Pedlers; Auctioneers; Idiots and Lunatics; Nuisances.

1. A PERSON wishing to keep a *tavern* must obtain a written permission, or *license*, from the court of common pleas. He is required to give twenty days' previous notice, by advertisements put up in three public places in the town-

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are the duties of township and county sealers? What is the penalty for using a wrong weight or measure? 10. What must be the diameter of a bushel, half-bushel, and peck measure? What articles must be heaped? and how? 11. Of how much consists the hundred weight? How much the ton? What is the lawful weight of the several kinds of grain? 12. To what part of grain are millers entitled?

1. What is required of a person in order to obtain a license to keep

ship, that he intends to apply to the next court for a license. The court, on proper testimony that a tavern is necessary at such place for the public convenience, and that the applicant has suitable accommodations, and sustains a good moral character, may grant a license for one year. When a license is only to be renewed, no previous notice is required.

2. If ten or more reputable freeholders, residing near the place of the proposed tavern, shall remonstrate, in writing, against the granting of a license, stating the reason why it ought not to be granted, the court may decide either to grant or refuse such license. And a tavern-keeper who shall suffer rioting and drunkenness on his premises, may be prosecuted and fined not less than $10, nor exceeding $100; and he forfeits his license besides.

3. Persons obtaining license to keep a tavern may sell spirituous liquors. The price of the license is fixed by the court, and may not be less than $5, nor exceed $50. Licenses may, however, be granted to keep a tavern without retailing ardent spirits, for a sum not less than $2, nor exceeding $20. The keeper of such tavern is liable to the same forfeiture, and nearly the same penalty, for keeping a disorderly house, as other tavern-keepers. Money received for licenses and fines is paid into the county treasury for the use of the county.

4. *Public shows*, such as are not prohibited by law, may be licensed by the county auditor. Persons wishing to exhibit natural or artificial curiosities, or horsemanship in a circus or otherwise, for gain or reward, must apply to the auditor, who may, if he shall deem it expedient, grant a license to the persons applying; the permit to specify the time and place of the performance. The price of such license may not be less than $10, nor exceed $50; and is paid into the county treasury. For permission to exhibit in incorporated cities or towns which have laws and ordinances giving its officers power to grant such licenses, the county auditor need not be applied to.

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tavern? By whom are licenses granted? 2. In what case may a license be refused? What is the penalty for keeping a bad house? 3 For what sum may a license be obtained? To what use is the money applied? 4. Who may license public shows? For what sum? 5. By

5. *Pedlers* are required to apply in writing to the clerk of the court of common pleas, who may grant to any person a license to peddle for one year, on his presenting a certificate of the county auditor, showing that he has paid for such license $25, if he is to travel on foot; if with one horse, $40; if with two horses, $50; if with a boat, $80: and also that he has paid one-half of one per cent. on the amount of capital to be employed in the business. The money goes into the state treasury.

6. Any person peddling without a license any goods not manufactured within this state, by himself or his employer, is liable to pay a fine of $100 for every offence, to be prosecuted before a justice of the peace. A person's refusal to show a license is to be deemed evidence that he has none.

7. The court of common pleas has power to appoint a proper number of suitable persons as *auctioneers* within the county, for the term of one year. No person may, without a license, sell at public auction, vendue, or outcry, any property, except utensils of husbandry, household goods, real estate, produce, horses, cattle, &c. The law fixes certain duties upon the property sold by auctioneers, to be paid into the county treasury, and thence into the state treasury. Fine for selling without a license, not less than $100, nor exceeding $500.

8. Provision has been made by law for that most unfortunate class of persons, *idiots* and *lunatics*. An idiot is one that is born destitute of common sense, usually called a natural fool. A lunatic, or an insane person, is one who has possessed his reason, but has suddenly been deprived of it. It was formerly supposed this disease was produced by the influence of the moon. Hence it is called *lunacy*, from *luna*, the Latin word for moon. Idiots who are poor are to be provided for as other paupers are.

9. If a person is lunatic or insane, the sheriff is to take him to the Ohio Lunatic Asylum, where he is to receive

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whom are pedlers licensed? 6. What articles may be peddled without a license? Fine? 7. By whom are auctioneers licensed? What goods may other persons sell without a license? Fine? 8. What is an idiot? A lunatic? How are idiots provided for? 9. How are lunatics treated?

medical treatment for his disease. If he is discharged because he is found to be incurable, he is to be otherwise provided for. If he is not a pauper the court may appoint a guardian to take care of his property, and to see that it is properly applied to the maintenance of the person and his family. If he recovers his reason, his property is restored to him.

10. *Public stages.* For the safety of passengers travelling in public conveyances, every owner of a stage is required to have two lamps attached to the same, and kept lighted when travelling in the night-time. If the coach is unfurnished for forty-eight hours at any time, the owner may be fined from $10 to $30; and the driver, for not lighting the lamps, from $5 to $20.

11. The driver of a passenger carriage is forbidden to run his horses, or to leave them untied without placing the lines into the hands of some person, under a penalty of $5 to $20, to be prosecuted within thirty days; the money to go to the complainant. If the fine cannot be collected of the driver, the owner is liable. Or the owner may voluntarily pay, and recover of the driver.

12. *Nuisances.* Any person who shall put a dead animal into a well, or other water used for domestic purposes, is liable to a fine not less than $2, nor exceeding $40. It is also declared to be a nuisance to keep an unclean slaughter-house between the first of April and the first of October, to the annoyance of the citizens; or to permit any soap, candle, oil, glue, or varnish factory, or any pork, sausage, or lard house, to the annoyance of the citizens, farther than is necessary for the prosecution of the business of such establishments. Also to put a dead body into any place, or for the owner knowingly to leave it, where it is offensive to the citizens. The offender in such cases may be fined in proportion to the aggravation of the offence.

How is their property disposed of? 10. What regulations are made for lighting public stages? 11. What for securing the horses? 12. What are here declared to be nuisances? How much may offenders be fined?

CHAPTER XXII.

Of the Militia of the State.

1. In order to defend a country against attacks from foreign enemies, and to put down insurrections and rebellion against the government by its own citizens, it is the practice of every government to keep the country prepared for events of this kind. For this purpose, men are required to meet every year on certain days, for instruction in the art of war. This is usually called military exercise, or *training*.

2. By the laws of this state, all white male citizens of the United States, residing within this state, between the ages of twenty-one and forty-five years, are liable to do military duty, except the following: Ministers of the gospel; militia officers, having been uniformed and equipped, and having served five years; members of uniformed companies seven years; and acting members of fire companies, while such, and in time of peace, after they cease to be members. Certain public officers, while in office, are also exempt.

3. Besides these, there are persons exempted by the laws of the United States. They are the vice-president, and all executive and judicial officers of the government of the United States; members of congress, and its officers; custom-house officers and their clerks; post-officers, and drivers of mail stages; ferrymen employed at ferries on post-roads; pilots and mariners. The president, it will be seen, is not among the list of the exempt, he being commander-in-chief of the militia of the nation. [Const. U. S., Art. 2, sec. 2.]

4. By an act of the legislature in 1844, the rank and file of the militia are not required to train, except in time of war. All persons of the age mentioned, except those who are exempted by law, are to be enrolled in the militia, and, instead of training, to pay every year fifty cents, or labor

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1. For what purpose are military trainings? 2. Who are liable to do military duty? Who are exempt by the laws of the state? 3. Who are exempt by the laws of the United States? 4. What portion of the

on the highways one day. The money is collected by the township assessor, and paid to the treasurer of the county.

5. All military officers and members of volunteer companies, while regularly performing military duty, are exempt from the poll-tax of two days' highway labor, but not from any other road tax. And any person enrolled in the militia, who shall join a volunteer company, becomes thereby exempt from the payment of the fifty cents, or the one day's labor on the road.

6. Volunteer companies are composed of men between eighteen and forty-five years; but minors may not be enrolled, without consent of their parents or guardians. These companies are the only *acting* militia of the state, and are the first to be ordered into service in case of war, or to suppress riots, or to aid the civil authorities in executing the laws. There is a company muster of volunteer companies every year, and also a brigade muster of the several volunteer companies, for review and inspection.

7. The governor is, by the constitution, made the commander-in-chief of the militia of the state. [Const. Art. 2, sec. 10.] He has power to call them out, when their services are wanted. The highest military officer under the governor, is the adjutant-general, and is appointed by the governor. The constitution declares by whom the different officers shall be elected. [Art. 5.]

8. The *adjutant-general* discharges the duties of the inspector-general, and distributes all orders from the commander-in-chief to the several divisions, or other corps of the militia; attends all public reviews, where the commander-in-chief shall review the militia; and obeys all orders to him relative to carrying into execution and perfecting the system of military discipline, established by law.

9. It is believed that the law abolishing the trainings and

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militia do not train? How and what do they pay instead? 5. Who are exempt from poll-tax? 6. Of whom are volunteer or uniform companies composed? What is said of their being called out? Of their musters? 7. What military office has the governor? What officer does he appoint? 8. What are the duties of the adjutant-general? *9. Can you give* any reasons in favor of abolishing military trainings?

musters of the great body of the militia, is a good one; first, because they had become so inefficient as to produce no material improvement in discipline; secondly, the time spent in these useless exercises, and the money expended for arms and equipments, were highly burdensome to many citizens; thirdly, they tended to injure the public morals; and fourthly, there is little or no probability of a war, or other occurrence, requiring a large portion of the militia of the country to be called into immediate service. The volunteer companies are supposed to be sufficient for any event that is likely to happen.

10. Happily, the practice of settling disputes by war, is growing unpopular among civilized nations. War is a dreadful evil, and ought to be discouraged, and, if possible, avoided. How much better it would be, if nations should settle their disputes as individuals do, without fighting! If the love of military honor were less encouraged, and the principles of peace duly inculcated, the time would be hastened when "nations shall learn war no more."

CHAPTER XXIII.

Of Courts of Justice.—Justices' Courts.

1. In the preceding chapters it has been shown how the laws of the state are made, and how the government is administered; and also what are the powers and duties of officers in the legislative and executive departments of the government. There is another class of officers, whose powers and duties remain to be described, called *judicial officers*. The business of judicial officers is to administer justice to the citizens; and when sitting for that purpose, they are called a *court*.

2. The necessity of courts of justice is easily seen. It would be improper to allow every man who thinks himself

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10. Is war desirable? Can you mention any of its evil consequences?

1. What is the business of judicial officers? 2. From what does the

injured, to be judge in his own case, as to what is right or wrong, and to punish others for acts which he might think to be contrary to law. If such were the case, there might as well be no law at all. Mankind are generally partial to themselves; and therefore they would be unsafe judges between themselves and others. Besides, but a small portion of the people are sufficiently learned in the law to be judges.

3. Hence, that justice may be done to all, as far as possible, it must be obtained in courts of law; and to prevent injustice from being done to any member of the community, the constitution requires, that in all cases of crime, however openly it may have been committed, the offender must have a fair and impartial trial. [Const. Art. 8, sec. 7.]

4. There are numerous kinds of courts in the state, some of a higher, and others of a lower order. Some have general, and others special jurisdiction, and that which is more limited. When we speak of the jurisdiction of a court, we have reference to its power to pronounce the law. The word *jurisdiction* is composed of two Latin words, *jus*, law, and *dictio*, a speaking; hence juris dictio, a speaking of the law. The jurisdiction of a court, therefore, means how far, and in what cases, it has power to try and determine questions in law.

5. Some courts have power only to try civil causes; others have jurisdiction in causes both civil and criminal. Some have jurisdiction in cases arising in any part of the state; others only in cases arising within the county. As most suits at law are tried in justices' courts, and as cases may be carried up from them to the higher courts, we shall begin with the lowest, and proceed to the highest.

6. *Justice's Court.*—Justices of the peace are elected for three years; the number for each township to be determined by the court of common pleas. The trustees of the township give notice of the time and place of elections to fill vacancies. Justices are commissioned by the governor.

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necessity of courts of justice appear? 3. To prevent injustice in case of crime, what does the constitution require? 4. What different kinds of courts are there? What is jurisdiction? 5. What difference is there between the jurisdiction of one court, and that of another? 6. For

7. A justice of the peace can try a cause only in the town for which he is chosen, and in which he resides. He can try civil causes only, and only those in which a limited sum is sued for. Causes are called *civil*, when money is claimed; *criminal*, when persons are tried for crime. Causes, actions, and suits, though somewhat different in meaning, are words generally used to signify the same thing,—meaning prosecutions at law, or lawsuits. A justice can try suits only in which the sum sued for does not exceed $100; but he may take and enter judgment on the confession of a defendant, for any sum not exceeding $200.

8. Actions must be brought before a justice of the township in which the defendant resides; otherwise a plaintiff might maliciously take a defendant to a remote part of the county, simply to give him unnecessary trouble, or perhaps to compel him to a settlement on unjust terms. A *plaintiff* is the party that sues; the party sued is called *defendant*, because he *defends* himself in the suit.

9. Actions may be commenced by the parties going voluntarily before a justice; but this is seldom done. Suits are generally commenced by *process*, which means a written instrument issued by a justice, enforcing proceedings at law. The process by which a suit is in most cases commenced, is a *summons;* and the action is considered commenced, on the day when the summons is delivered to the constable.

10. A summons is addressed to any constable of the township, commanding him to summon the defendant to appear before the justice, on a day, and at an hour specified, which must be not less than three, nor more than 12 days after the date of the summons, to answer the plaintiff in a plea mentioned; and the summons must be served at least three days before the time when the defendant is to appear.

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what term are justices elected? What number? How and when are vacancies filled? 7. How is a justice's jurisdiction limited? What is a civil suit? Criminal? Define cause, action, suit. To what sum is *a justice limited*? 8. In what township must a suit be brought? Who *is the plaintiff*? Defendant? 9. How are suits usually commenced? *What is a process*? A summons? 10. What does a summons contain?

11. If the defendant is found, the constable serves the summons by reading it; and if the defendant requests it, the constable must give him a copy of it. If he is not found, a copy must be left at his place of abode. The constable returns the summons to the justice, at or before the time named for trial, with an indorsement on the back of it, stating the time it was served, and also, whether personally served, or served by copy.

12. Either party may appear in person, or by attorney, that is, another person appointed to answer and act for him. Parties who are minors, must always have a next friend, or a guardian, to act for them. When parties have appeared and answered to their names, they make their *pleadings;* that is, the plaintiff declares for what he brings his suit; and the defendant declares the nature of what he has to *offset* against the plaintiff's demand; or he pleads that he is not indebted to him. These acts of the parties are called *joining issue.* The pleadings may be either verbal, (by word,) or written.

13. A defendant cannot offset any demand which he may buy, or in any other way get against a plaintiff, after the suit has been commenced. And a defendant must, on joining issue, plead, or give notice of a set-off, specifying the nature of his claim, or he will not be entitled to a set-off; and if he neglects to offset his claim, he can never thereafter recover such demand by law, without paying his own cost. There are certain demands which need not be thus offset.

14. If the demands of the parties are unequal, the justice enters judgment against the party owing, for the amount due the other, with the costs of suit. *Judgment* is what is adjudged to be due from the one to the other, and always includes the costs, which consist of the fees of the justice, constable, and witnesses. If nothing is found to be due the plaintiff, judgment is entered against him for the costs.

15. At the time of joining issue, the justice may, at the

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11. How is a summons served? How returned to the justice? 12. How do parties appear? What are pleadings? What is joining issue? 13. What is said about set-off? 14. Against which party is judgment entered? 15. In what cases, and for how long a time, may a suit be

request of either party, *adjourn*, or put over the trial, not exceeding twenty days; but if required, the party wishing the adjournment must make oath that he cannot, for the want of some material witness, safely proceed to trial. If such witness be out of the county, the party wanting him may have an adjournment for ninety days.

16. A man's own word is not taken as proof in his favor in a court of justice: he cannot establish a fact without *witnesses*. The justice, therefore, on the request of either party, issues a *subpœna*, which is a writing commanding persons to appear and give evidence on the trial; but a subpœna can only compel the attendance of witnesses being in the same county. A subpœna may be served by a constable, or any other person, who must pay, if demanded by the witness, the fee allowed by law, which is fifty cents, or the witness is not obliged to attend.

17. If a person duly subpœnaed does not appear, the justice may issue an attachment, commanding the constable to bring the witness, who must pay the fees of both the justice and the constable, unless he shall show reasonable cause for not attending. And a witness who, without a reasonable excuse, does not appear, or appearing, refuses to testify, may be fined by the justice not exceeding eight dollars, for the use of the poor; and he is liable, also, to pay all damage sustained by the party in whose behalf he was subpœnaed.

18. At the time of trial, the justice proceeds to try the issue. The witnesses are sworn to testify truly to what they know; and after hearing the proof on both sides, the justice decides according to law and equity, as the right of the case may appear. If a defendant does not appear at the time of trial, the justice may hear the proofs and allegations of the plaintiff, and determine the case according to what shall be made to appear by that party alone.

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adjourned? 16. What is a subpœna? Its effect? By whom served? What must be offered or paid a witness? 17. If a witness does not appear, what may be done? In what cases may he be fined and imprisoned? To what is he farther liable? 18. How does the justice proceed and try the issue?

CHAPTER XXIV.

Trial by Juries; Collection of Judgments; Appeals, &c.

1. ONE of the most valuable privileges enjoyed by the people of this country, is the right of trial by jury. It may so happen that a suit is brought before a justice who is not well informed in matters of law; or he may be supposed to entertain feelings of partiality towards one of the parties; or it may be suspected that he is not an honest man. Therefore, it is not always safe to submit a cause to a justice for decision. And that all may have the means of obtaining justice, the constitution secures to every person the privilege of having a jury to try any cause to which he is a party. (Art. 8, sec. 8.)

2. A *jury* is a number of men who sit on a trial, and are sworn to try a matter of fact, and to declare the truth according to evidence. This declaring of the truth is called *verdict*, which means a true saying. A jury in a justice's court consists of six men, all of whom must agree in their verdict. It is therefore presumed, that when so many men are all of one opinion, their verdict is correct.

3. The manner of obtaining a jury is as follows:—At any time after issue is joined, and before any testimony is heard, either party may demand of the justice that the cause be tried by a jury. The justice then makes a list of the names of eighteen freeholders, residents of the township; from which list the defendant first strikes one, and the plaintiff one, until twelve are stricken off. The justice then issues a *venire*, which is a precept commanding a constable to summon the men whose names remain to appear before the justice, to make a jury to try the cause between the parties named in the venire.

4. After hearing the proofs and allegations of the parties, the jurors are put under the charge of a constable, who is sworn to keep them in some convenient place till they agree

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1. Why is the right of trial by jury a great privilege? 2. What is a jury? A verdict? 3. How is a jury obtained? What is a venire? 4. After hearing proof, &c., what is done with the jury? 5. If jurors

on their verdict, or till discharged by the justice. Nor shall the constable allow any person to speak to them during such time, nor speak to them himself, except by order of the justice, unless to ask them whether they have agreed on their verdict.

5. When jurors have agreed on their verdict, they publicly deliver it to the justice, who enters it on his docket. If the jurors do not all agree after having been out a reasonable time, the justice may discharge them; and he shall then issue a new venire, unless the parties consent that the justice may render judgment on the evidence. Persons summoned as jurors may be fined in the same manner as witnesses, for not appearing, or for refusing to serve.

6. Any person owing another and wishing to avoid paying the cost of a suit at law, may *confess judgment*. This is done by going before a justice, and stating the amount of the debt due to the plaintiff, and his consent that the justice enter judgment accordingly.

7. When a plaintiff discontinues or withdraws his action; or if he fails to appear within a reasonable time after the hour appointed for the suit to commence; or if he become non-suited on the trial; in either case the justice renders judgment of non-suit, with costs, against the plaintiff. And when a trial is had, and it is found by verdict, or if the justice decides, that the plaintiff has no cause of action against the defendant, judgment with costs is rendered against the plaintiff.

8. After a judgment has been rendered, it must be carried into effect; that is, the debt or damage, with the costs, must be collected. This is done by a constable. The instrument giving him authority, is called an *execution*, and issued by the justice immediately after the judgment is rendered, if the judgment be not paid. The person against whom the judgment is rendered, may, however, by giving bail, put off or *stay* the issuing of the execution for sixty days, if the judgment does not exceed $5; if the judgment is over $5 and under $20, the stay may be for ninety days; if for $20

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agree, what? If they do not agree, what? 6. How is a judgment *confessed?* 7. *In what cases is judgment rendered against a plaintiff?* 8 *What is an execution?* How soon may an execution be issued?

and under $50, one hundred and fifty days; if for $50 or upwards, two hundred and forty days.

9. The execution is directed to any constable of the township, and commands him to take and sell the goods and chattels of the debtor, and to bring the money for the debt and costs to the justice within thirty days. If no property can be found, the constable returns the execution to the justice, not satisfied.

10. A justice of the peace cannot issue an execution against real estate, but only against the personal property of a debtor. And there are sundry articles of personal property which poor men are allowed to retain for the use and comfort of their families.

11. If a constable, through negligence, shall fail to collect a judgment as required by the execution, or shall fail to return the execution within the thirty days mentioned, he is liable himself to pay the amount of the judgment. And if he is not able to pay it, his surety is liable; for every constable is required to give a bond, with surety, for the faithful performance of his duties.

12. Such is a description of the proceedings of a justice's court, in ordinary cases. But there are many things connected with the business of this court which must be learned from other books, and from observation. There are also other processes than a summons, which a justice issues for bringing persons to trial. One of these is a *warrant*, in which a constable is commanded forthwith to bring the defendant before the justice. But this cannot be done in ordinary cases of debt.

13. Another process issued by justices, is an *attachment*. This becomes necessary when a debtor cannot be reached by a summons. To get an attachment, a plaintiff goes before a justice, and makes affidavit, (a written declaration, sworn to,) that the debtor absconds, to the injury of the creditor; or that the creditor believes the debtor is not a

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What does an execution command? If no personal property is found, what? 10. Is all personal property liable? 11. When does a constable become liable? 12. What is the nature of a warrant? 13. In what case is an attachment issued? How is it obtained? 14. How is an

resident of the county. The justice then issues the writ of attachment, which commands the constable to whom it is given to execute it against the debtor's goods and chattels in the county, and to make returns within twenty days.

14. A constable, in executing the writ, takes the property in presence of two or more witnesses, and has it appraised by two respectable freeholders, on oath; and a true inventory and appraisement of the property are made, and signed by the constable and appraisers. The constable may leave the property with another person for safe-keeping, who shall bind himself to the constable with two good sureties, that either the property, or its appraised value in money, shall be forthcoming to answer the judgment on attachment.

15. A plaintiff, on taking out a writ of attachment, must advertise in three of the most public places in the county, that an attachment has been issued against the property of his debtor; and notice of the same must also be published in a newspaper printed in the county; or if there is none, then in some other paper having general circulation in the county. And he must send a copy of the paper to the justice, and produce satisfactory evidence to the justice of having duly advertised, previous to the rendering of judgment.

16. If the defendant does not appear on the day of return, and if the plaintiff shall make proof of the debt, and also of the property in the hands of the garnishee, (the person with whom the property was left,) the justice may, after the expiration of thirty days, give judgment and award execution against the defendant; or against the garnishee, if he shall refuse to produce the property or pay its value in money. Or if the plaintiff shall not prove his demand, the justice gives judgment against the plaintiff for the costs. To satisfy a judgment in case of an attachment, the property attached is sold on execution, as in other cases.

17. If either party is dissatisfied with a judgment rendered in a justice's court, he may have the cause *removed* to the court of common pleas of the county. Causes of a

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attachment served? 15. What notice must a plaintiff give on taking *out an attachment?* 16. What is done if defendant does not appear on *return day?* 17. To what court may a cause be removed from a jus-

certain kind are removed by a writ of *certiorari*. When a cause is removed in this manner, the witnesses are not required to attend the trial in the higher court. The substance of the testimony and proceedings before the justice is produced before the court, and upon this the judges give judgment, as the right of the case may appear. If they decide the judgment of the lower court to be correct, they are said to *affirm* such judgment; but if they find it wrong, they *reverse* it.

18. Causes of a certain other kind are removed by *appeal*. In a case of this description, the whole cause is removed; the witnesses must again give their testimony; and all the facts are submitted for a rehearing. Causes removed from a justice's court to the court of common pleas, are tried by a jury.

CHAPTER XXV.

Of the Court of Common Pleas; the Supreme Court; and Court of Chancery.

1. The court next higher than a justice's court is the *court of common pleas*, of which there is one in every county. The state is divided into a suitable number of districts, (at present sixteen,) in each of which is a judge, who attends and presides over the courts in the several counties composing his district. In each county are three judges, called associate judges, who, together with the district judge, constitute the court of common pleas. The judges are appointed by the legislature for seven years. Three judges may hold a court.

2. This court has original jurisdiction in all civil cases where the sum in dispute exceeds the jurisdiction of a justice of the peace, the latter being limited to sums of $100

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tice's court? 17, 18. What is the difference between the modes of trying cases by certiorari and appeal?

1. How is the court of common pleas constituted? How, and for *what term*, are the judges appointed? 2. In what cases has this court

or under. By *original* jurisdiction of a court is meant its power to *originate* or *commence* suits; that is, suits may be tried first in such court, before they can go to any other. The court of common pleas also has *appellate* jurisdiction in cases from justices' courts; that is, it has causes brought before it by *appeal* from the justices' courts.

3. This court has exclusive cognizance of all crimes and misdemeanors not punishable by death; which means, that this court alone takes notice of, and tries, such offences. And it has original and concurrent jurisdiction with the supreme court, of crimes punishable by death; that is, it has like power with the supreme court to try such crimes.

4. The president judge within his circuit, or an associate judge within his county, may, on good cause being shown, issue writs of *certiorari*, ordering the proceedings of justices' courts to be brought before the court of common pleas, that right and justice may be done. This court also has power concerning wills and testaments, and may appoint guardians for minors, idiots, and lunatics. It holds three terms in each county annually.

5. The *supreme court* consists of four judges, appointed by the legislature for seven years. The judge who has been longest in office is styled the chief judge; or, if two or more have held the office for an equal and the longest time, then the one of the greatest age is the chief judge. Any two of the judges may hold a court. This court holds one term annually in each county.

6. The supreme court has *original* jurisdiction of all capital offences, and *concurrent* jurisdiction with the court of common pleas in civil cases. All civil suits *in equity* brought to the supreme court from the court of common pleas, are removed by *appeal;* suits *at law*, only by *writ of error* or *certiorari*.

7. The supreme court meets twice a year in Columbus,

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original jurisdiction? What is original jurisdiction? In what cases has it appellate jurisdiction? What is appellate jurisdiction? 3. What is said of the jurisdiction of crimes? 4. By whom are writs of certiorari issued? What is the power of such a writ? What other powers has this court? 5. How is the supreme court constituted? Who takes precedence as chief judge? 6. In what cases has it original, concurrent, and appellate jurisdiction? 7. For what purpose does this court meet twice

to adjudicate questions of law that have been reserved in the counties. When an important question arises before the supreme court in any county, or when the judges are divided in opinion, they may reserve such questions to be adjudicated at one of these semi-annual terms. When thus sitting it is called *court in bank*. Each court has a clerk, who is to reside in each county, and to record all decisions of the court of which he is clerk.

8. Both the court of common pleas and the supreme court have *equity* or *chancery* powers. The object of giving these powers to a court, is to enable such court to award what is right and equitable to persons who cannot obtain justice in courts of common law. Hence it is called, when exercising its powers in this manner, a *court of equity*, or *court of chancery*. But a person cannot resort to such a court in this state for justice for any sum less than $20.

9. In other courts a man is not allowed to be a witness for himself; but in this, the parties may be put on oath. In other courts, a person cannot be compelled to do what he has agreed to do; he can only be made to pay damages for not fulfilling his contract; but in a court of chancery a man may, in certain cases, be compelled to fufil the contract itself. This court has power also to restrain banks and other corporations, and individuals, from doing fraudulent acts; to dissolve corporations; to stop proceedings at law, in certain cases; and to do many other things of a like nature, by way of relief, when it could not otherwise be had.

10. In a court of chancery, suits are not commenced by service of a process, as in other courts. The plaintiff prepares a bill of complaint, which is presented to the court. This complaint, called a *bill in chancery*, contains a petition, praying that the defendant may be compelled to appear before the court, and make answer on oath. A trial may be had upon the oath of the parties; or if they have witnesses, they are examined. After the case is argued by counsel, the court pronounces its decree.

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a year at Columbus? What is it then called? 8. What peculiar powers have these two higher courts? What is the object of such powers? 9 In what particulars does such a court differ from common law courts? 10. How is a *suit* commenced in chancery? How is the suit further

11. *Juries.* The supreme court, and every court of common pleas, have a jury for the trial of issues of fact. An *issue of fact* is a case in which the *fact* is to be determined from evidence, whether one party is indebted to another or not; or the fact whether the person charged with crime is guilty or not guilty. It is called issue of fact to distinguish it from an *issue of law*, in which the question to be decided is, what is the *law* in the case, which is done by the court instead of the jury. This jury is usually called a *petit jury*, as distinguished from a *grand jury*.

12. Juries in courts of record are composed of a greater number of men than juries in justices' courts, and they are obtained in a different manner. A selection of 108 good and judicious persons is made every year, thus: The clerk ascertains the number for each town, which number is in proportion to the number of white male inhabitants in each. The sheriff, when he gives notice of the general election to be held in October, gives notice to the trustees of each township of the number of persons to be returned as jurors from such township. The trustees, on the day of election, select the number apportioned to the township, and send a list of their names to the county clerk.

13. The clerk writes the names of all persons so selected in the several townships on separate pieces of paper, and puts them into a box. At least thirty days before the sitting of each court, in presence of the sheriff, (the sheriff having first shaken the box so as to mix the ballots,) the clerk draws out of the box twenty-seven ballots. The men whose names are on the first fifteen ballots are to serve as grand jurors, and the remaining twelve as petit jurors. The clerk orders the sheriff to summon the men drawn as jurors to attend on the first day of the next court.

14. *Grand juries.* It is one of the excellencies of our government that the liberty and lives, as well as the property, of the people, are protected by constitutional provisions, se-

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conducted? 11. What courts have juries? Explain the difference between an issue of fact and an issue of law. By what juries are issues of fact tried? 12. How are the men selected from whom jurors are *chosen? 13.* By whom, when, and how are the jurors drawn and summoned? *14. Where is* provision made for grand juries? What is the

curing to every person the right to be tried by a jury of his equals. As the liberties and lives of men are more valuable than their property, they should be most safely guarded. Hence the constitution declares that no person shall be put upon trial without the previous judgment of a grand jury that he ought to be tried; and every court which has jurisdiction in cases of crime has a grand jury. [Cons. U. S. Art. 6 of Amend., and Cons. O. Art. 8, Sec. 8.]

15. On the opening of a court, the grand jurors are sworn by the court to make a true presentment of all things given them in charge. The judge then gives them a charge, and appoints one of their number as foreman; and the jurors retire to a private apartment to attend to their duties.

16. The jurors hear all complaints brought before them, against persons for crimes and breaches of the peace, and examine witnesses who appear to testify. If they think the person complained of ought to be tried, they draw up a writing, in which they charge the person with the offence of which they think he is guilty. This is called an *indictment*. It is signed by the foreman, endorsed "a true bill." and carried by the jury into court. If the person has not before been arrested, he may now be arrested, to be put upon trial. [See Arrest and Examination of Offenders.]

17. The supreme court has no grand jury. When this court is to be held in a county, the clerk draws the names of twelve men as petit jurors, in the same manner as before mentioned, and deposites a list of them with the clerk of the supreme court, who commands the sheriff to summon them. If a sufficient number of jurors is not in attendance at any court to try a suit, the court may at any time order the sheriff to summon others from the bystanders or neighboring citizens. All the jurors must agree in order to a verdict. The manner of conducting trials in the higher courts is the same as in a justice's court.

18. There is another kind of trial, called *trial by im-*

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object of grand juries? 15. What is said of swearing and charging them, &c.? 16. How do they transact their business? What is an indictment? 17. Has the supreme court a grand jury? How are petit jurors for this court obtained? 18. How are impeachments made and tried?

peachment. Impeachments, however, are not tried in a court of justice, but by the senate, on a charge brought by the house of representatives against a public officer for bad conduct in office. The mode of trial will be found described in a succeeding chapter, on the Government of the United States.

CHAPTER XXVI.

Time of commencing Actions.

1. We have seen in the three preceding chapters, what provision has been made to enable persons to obtain justice in courts of law; also how suits are conducted through the several forms of prosecution. But it ought to be known also, that a person who wishes to resort to the law for justice, must commence his suit within a certain period, or he cannot maintain his suit, or recover his due. The law limiting the times within which actions must be commenced, is sometimes called the statute of limitations.

2. Different periods are fixed for different kinds of actions. If a person has a right or claim to *real estate* for which he sues, he must bring his action within *twenty-one* years. If neither he, nor his ancestor, nor grantor, has had possession of the premises for twenty-one years before the suit is commenced, he cannot recover the estate.

3. Actions brought for debts due upon promissory notes, or other obligations or contracts in writing, must be commenced within *fifteen* years. Actions founded upon simple contracts not in writing, book accounts, and consequential damages, must be brought within *six* years. A suit may be commenced on book account within six years from the date of the last item of the account of either party.

4. Actions for trespass upon property, or for the recovery

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1. May suits be commenced at any time after they become due? 2 *Within* how many years must an action for a claim to land be commenced? 3. *How long* may promissory notes and simple contracts respectively run before they outlaw? 4. How long cases of trover? What

of property wrongfully taken by another and converted to his own use, must be commenced within *four* years. Taking and keeping property in this manner, is called *trover:* hence, a suit brought to recover for such property, is an action for trover.

5. Actions against another for forcible entry and detainer, or for forcible detainer only, must be commenced within *two* years. [*Detainer* is the unlawful taking and holding of property.]

6. Actions for assault and battery, slander for words spoken, or for libel, false imprisonment, and sundry other causes, must be brought within one year. [For a definition of these terms, see Crimes and Misdemeanors.]

7. If a person departs from and resides out of the state *before* the time when the right to an action commences, an action may be brought against him within the time limited by the law, *after* his return to the state; that is, the time a debt may run begins *anew* on his return. But if the right to an action commences; in other words, if a debt becomes due, before the debtor leaves the state, no suit may be maintained after the expiration of the time limited by law for commencing an action.

8. After the right to an action ceases, in consequence of the expiration of the time limited, or as it is commonly expressed, after a debt has become *outlawed*, an acknowledgment of indebtedness, or a part payment, which is the same as an acknowledgment, will again renew the debt. Or if a part payment is made at any time before the time limited expires, the time of limitation commences at the time of such partial payment.

9. Persons under age, or insane, or imprisoned on a charge of crime, or in execution under sentence of a criminal court, or married women, are not deemed capable of commencing suits, until their disability be removed. And they may commence suits within the time prescribed by law,

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is trover? 5. How long cases of forcible entry and detainer? 6. In what cases here mentioned must suits be commenced within one year? 7. What does the law provide in case a debtor leaves the state? 8. How may a debt, once outlawed, become renewed? 9. What is provided *concerning persons* under age, insane, or imprisoned for crime, &c?

after they shall have become capable; except when real estate is claimed. In such cases, when the disability is removed within less than ten years of the expiration of the twenty-one years, only ten years' time is allowed to commence an action, after such persons shall have become capable.

10. There are sundry other provisions relating to the commencement of suits, for a knowledge of which, reference must be had to the statutes of the state.

CHAPTER XXVII.

Of Rights.—The Right of Property; Title to Real Estate.

1. In the foregoing chapters we have given a general description of the government of the state of Ohio, and have seen how its important affairs are conducted; how the several departments, legislative, executive, and judicial, are organized; and what are the powers and duties of the different classes of officers in these departments. We have seen in all this, how well our government is adapted to secure to the people the free exercise and enjoyment of their rights.

2. Every citizen should not only know how the laws are made and administered; he ought also to know what the laws are by which he is to be governed. Some of these laws have necessarily been given in connection with the description of the government and the duties of its numerous officers. But a more extensive knowledge of the laws is necessary. Without such knowledge, a person cannot well maintain his own rights, nor duly discharge the duties he owes to his fellow-citizens. I shall therefore proceed to give an abstract of the laws in general which more particularly define the rights and prescribe the duties of citizens in the social and domestic relations.

3. The rights of citizens are either rights of person or rights of property. By the *rights of person*, or personal

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What in such cases when real estate is claimed?

1. What has been treated of in former chapters? 2. Why ought *citizens to* understand the laws? 3. What are the rights of person?

rights, we mean the right to be free to think, speak, and act as we please, and the right to be secure from injury to our bodies or persons, and our good names. The *right of property* is the right to acquire, hold, and enjoy property. All *laws* may therefore be considered as being intended to secure either the one or the other of these classes of rights.

4. The rights of citizens are secured by laws. These laws are, first, *statute laws*, the laws enacted by the law-making power of the state, called also the *written* law, being always written or printed; and secondly, the *common law*, which consists of rules that have become binding by long usage and established custom. The common law of this country is the same as that of England, having been introduced and established here while the people were subject to that country; and it is still considered the law in all cases where no law has been made to the contrary.

5. Every citizen of the United States may hold lands within this state, and take the same by descent, devise, or purchase. To take land by descent, is to obtain it by inheritance. When a person dying, makes no previous disposal of his property, it falls, or *descends*, by right to his children or other relatives: hence they are said to become heirs to the property by *descent*.

6. But a person may direct his property to be given, after his death, to whomsoever he pleases. This is called devising property, or bequeathing it; and the person receiving the property is said to have acquired it by *devise*. And if a person pays for property an equivalent in money or some other property, he would have it by *purchase*.

7. *Title to real property by descent.* The laws of this state prescribe the order in which the property of intestates descends to their heirs. A *testament*, or will, is a written instrument, in which a person declares his *will* concerning the disposal of his property, after his death. The person making a will is called a *testator*: hence, a person dying without making a will or testament, is called an *intestate*.

The right of property? 4. Define the different laws by which our rights are secured. 5. In what different ways may titles to lands be acquired? How is title by descent acquired? 6. How by devise? How by purchase? 7. Who are intestates? Define testament or will; and testa-

8. The property of an intestate descends, first to his children and their legal representatives. The legal representatives here mean the lawful heirs of the children; so that the property goes to the lineal descendants, that is, persons descending in direct line, as from parents to children, and from children to grand-children. The lineal descendant most nearly related to the intestate, however distant the relation may be, takes the property.

9. If any children of an intestate are dead, and any are living, the inheritance descends to the children living, and to the descendants of the children dead; so that each child living shall receive such share as he would receive if all were living, and the children of those who are dead such share as the parents would receive if living. To make this plain: suppose an intestate to have had three sons, one of whom is dead, but has left children. In this case, each of the sons living would share one-third of the property, and the children of the other son would have the remaining third.

10. If there are no children or their legal representatives, the estate goes to the brothers and sisters of the intestate, who are of the blood of the ancestor from whom the estate came, whether they are of the whole or the half-blood of the intestate. If there is no brother or sister of the blood of the ancestor from whom the estate came, and if it came by deed of gift from an ancestor who is living, it goes back to such ancestor. But if such ancestor is dead, the estate passes to his children, if he has any; if not, then to his brothers and sisters. If there are no brothers or sisters to such ancestor, then the estate goes to the intestate's brothers and sisters of the half-blood, though not of the blood of the ancestor from whom the estate came. If there are no brothers or sisters of the intestate, the estate passes to the next of kin to the intestate, of the blood of the ancestor from whom the estate came.

11. If there is no person who is entitled to inherit the estate, then the estate becomes the property of the state. The lands thus passing to the state, are called *escheated* lands.

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tor. 8. To whom first does property descend? 9. How when any *children of an intestate* are dead? 10. Describe the order of descent *when there are no* children. 11. When there are no heirs, where does

12. *Descent of personal estate.* Personal estate, if it came not to the intestate by descent, devise, or deed of gift, descends to the children of the intestate. If he has no children, it passes to his brothers and sisters of the whole blood; if he has none, then to his brothers and sisters of the half blood; if he has none, then to his father, if living; if dead, then to the mother; but if both are dead, then to the next of kin to, and of the blood of, the intestate.

CHAPTER XXVIII.

Of Wills and Testaments.

1. ALL persons of full age and sound mind may give and bequeath real and personal estate, by a last will and testament. Personal estate may be willed verbally, (by word,) if the will is reduced to writing within ten days after speaking the testamentary words, and subscribed by two disinterested witnesses.

2. A will devising real estate must be subscribed by at least two attending witnesses, in whose presence the testator must subscribe the will, or acknowledge that he subscribed it, and declare it to be his last will and testament. If the testator is unable to sign his will, another person may write the testator's name by his direction; but he should sign his own name as witness to the will. A will thus made is valid, unless revoked or altered by a later will or writing, executed in the same manner.

3. After the death of a testator who has bequeathed any real or personal estate, any executor, or any person interested in the estate, may have the will brought before the court for probate, which means *proof*. The court causes the witnesses to the will, and such others as any person interested may desire, to come before the court to be exam-

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the estate go? 12. What is the order of descent of personal estate?

1. Who may devise real estate? May personal estate be devised by word, as well as by writing? How? 2. How is a will made and executed? 3. How is a will proved? What is an executor? 4. When

ined. (An *executor* is a person named in the will of a testator, or otherwise appointed, to carry the will into effect.)

4. When a will has been duly proved and allowed, the court issues letters testamentary to the executor. Letters testamentary give to an executor authority to carry a will into effect, and to settle the estate of the deceased. If the person named in the will refuses to act, or is not lawfully qualified, the court appoints a person, who, in that case, is called *administrator;* and the court issues *letters of administration* with the will annexed. It is the duty of an executor to follow the directions of the will, so far as it goes; and for the rest of his duties he must be governed by the law concerning administrators.

5. Letters of administration are also issued in case of a person dying intestate. They give to the persons appointed to settle the estate of the intestate, the requisite authority to do so. They are issued, first, to the widow or next of kin, or both, as the court may think fit. If such person or persons are incompetent or unsuitable, or if they refuse to serve, the letters of administration are granted to such other person as the law designates. The law prescribes particularly the manner in which the property of deceased persons shall be disposed of, and their debts paid.

CHAPTER XXIX.

Of the Proof and Recording of Deeds, Mortgages, &c.

1. Every person capable of holding real property, may also dispose of and convey his right or interest in such property to another person. To *convey* here means to transfer, or pass over to others, the right or ownership of property, so that they shall have the same interest in it as the

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are letters testamentary? By whom and when are they issued? What is an administrator? 5. When are letters of administration granted? To whom are they granted?

1. Who may convey real estate? What is it to convey? What is

person conveying it had before he conveyed it. Hence, the writing by which a right is thus transferred is called a *conveyance;* but more frequently the instrument by which a title to land is conveyed is called *deed.*

2. A purchaser of land could not securely hold it without a deed, because a person's deed is the only lawful evidence of his being the true owner. If a person should buy a farm without taking a deed of the seller, the seller might dispose of it to a second purchaser; and if he should give him a deed, such second purchaser, having a deed to show that he had bought the farm, might dispossess the first purchaser.

3. Whenever, therefore, any real estate is to pass from one to another, the seller gives the buyer a deed. The deed states the names of the parties, the sum paid, the place where the land is situated, its boundaries, and the number of acres it contains. And as evidence of the sale, the seller affixes his name and seal to the instrument. This is generally done in the presence of two or more persons, who subscribe their names as witnesses; so that in case of dispute, the purchaser may know by whom to prove that the deed was executed by the person whose name it bears.

4. But when a deed has been thus executed, the purchaser is not yet safe, unless he has had it recorded in the office of the recorder of the county in which the land lies. If it should be conveyea by the seller to a second purchaser, who should get his deed recorded first, such purchaser would hold the land.*

5. Before a conveyance is recorded, the person executing it must acknowledge, before a proper officer, that he executed the conveyance; and the officer must certify in writing, on the back or margin of the instrument, that the person did so acknowledge. A judge, a justice of the peace, a notary public, a mayor or other presiding officer of a city or town, may take acknowledgments. Every deed duly acknowledged and delivered to the county recorder to be re-

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an instrument of conveyance called? 2. What is the use of a deed? 3. What does a deed contain? How is it executed? 4. What must then be done with the deed? Why? 5. What is required before a *conveyance is recorded?* How is it proved or acknowledged? 6. De-

corded is, with the acknowledgment, copied at length, word for word, in a book provided for that purpose.

6. Lands are also conveyed by mortgage. A *mortgage* is a writing which conveys to another person a right to property as security for the payment of a debt, and is to have no force or effect when the debt is paid. A mortgage conveys land in the same manner as a deed; but a condition is added, stating, that if the debt for which the land is pledged shall be paid by a certain day, the instrument shall no longer have effect.

7. When land is sold, and any part of the purchase money is to be paid at a future day, the seller usually conveys the land by deed to the purchaser; and the purchaser executes a mortgage to the seller, pledging the land as security for the payment of the money remaining unpaid. A mortgage also contains a condition, that if the money shall not be paid according to the agreement, the mortgagee, or person holding the mortgage, may sell the land to raise the money due; but if he sells it for more than that amount, the overplus must be paid to the mortgager.

8. A wife must join with her husband in conveying land, by signing the deed with him; otherwise, if the husband should die, his widow would have a right to one third part of the estate during her life. This portion of a widow, thus retained, is called *dower*. It is common, therefore, for the wife also to sign the deed; and she must also acknowledge, before the officer taking the acknowledgment, and apart from her husband, that she signed the deed freely and without compulsion of her husband.

9. When a mortgagee has received payment in full, a satisfaction or receipt for the same is entered on the mortgage, or on the record thereof; and such satisfaction or receipt, so recorded, releases the mortgager.

10. *Leases*. To *lease* means to let, but generally to let real estate to another for rent or reward. The word *demise*

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scribe the nature of a mortgage. 7. In what cases are mortgages given by a purchaser of land? What condition does it contain? 8. Why must a wife sign a conveyance with her husband? What is this right of a widow called? How and what must she acknowledge? 9. When and how is a mortgage cancelled or discharged? 10. What is the

is often used instead of lease. The landlord, or person leasing the estate, is called lessor; and the tenant, or person to whom the land is leased, is called lessee. Leases for a longer term than three years, must be sealed and recorded as deeds and mortgages. (For leases running a shorter period, see Contracts.)

CHAPTER XXX.

Of Fraudulent Conveyances; and of Contracts in general.

1. PROPERTY is sometimes fraudulently conveyed from one person to another. Debtors often put their property into the hands of others, to be kept from being taken to pay those whom they owe. With the same intent, property is frequently assigned to others, by way of mortgage, with the false pretence that the assignment is made for the security of a debt, when no such debt is honestly due; and when the property mortgaged is to remain in possession of the person conveying it, with the understanding that the mortgagee is never to take it.

2. To prevent such fraudulent conveyances and sales of property, the law declares, that all deeds of gift, and all transfers of goods and chattels, made by any person to secure them for his future use, shall be void, and shall not prevent them from being taken and sold, to pay his debts. And to protect creditors against losses, the law also prescribes the manner in which sales and conveyances of property must be made, to be considered honestly done.

3. Now, as a sale or an assignment is more likely to be fraudulent, when the property remains with the seller or assignor, than when the assignee takes it into his own possession, it is a general principle of law, that if property assigned or sold continues with the person pledging or selling it, the transaction is to be deemed fraudulent, and the prop-

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meaning of lease? demise? lessor? lessee? What is required concerning leases running over three years?

1. How is property sometimes fraudulently conveyed? 2. What *general provision* of law has been made to prevent this? 3. What is to

erty may be taken by creditors. It has however been held by courts in some states, and it has also been enacted in some, that where the transaction can be shown to be honest and fair, the person to whom the sale or assignment is made may hold the property.

4. Goods and chattels loaned to a person, and remaining in his possession for five years, are to be deemed his property, unless the lender shall have reserved his right to such property, and shall have had the writing recorded in the recorder's office in the county in which one or both of the parties resided.

5. A contract for the lease of land for a term longer than one year, must be in writing and sealed, or it is not binding: and if for a term longer than three years, the writing must also be recorded as deeds and mortgages. But for a term not exceeding one year, a contract for leasing is good, though not written; which is sometimes called a *parol lease;* the word *parol* signifying a promise or assurance given by word.

6. Much that relates to the nature of contracts in general, is to be learned from the common law. To render a contract or bargain binding, there must be a legal consideration. By *consideration* is here meant the price, or any thing that is the cause or reason for which a person enters into an agreement. Thus the money paid or to be paid for a farm, is the consideration for which the seller grants it to the purchaser. There must also be a mutual promise of both parties, to make a bargain binding; but the consideration may be something else than money or property; it is sufficient if it is any thing that is either a benefit to the party promising, or some loss or trouble to the party to whom the promise is made.

7. A says to B, if you will deliver to me twenty bushels of wheat to-morrow, I will pay you twenty dollars for it. Now if B brings the wheat, A is not obliged to take it and pay the price offered, because B did not on his part promise to deliver it. But if B had so promised, A would be bound

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be presumed if property sold remains with the seller? 4. Whose is borrowed property to be deemed after five years? 5. What is necessary to make leases valid? 6. What things are here mentioned as necessary to make a contract binding? What is a consideration? 7. Give an

to fulfil, because B has fulfilled on his part. The consideration in the case is the promise of each; and the party that fails to fulfil, is liable to the other for the damage sustained.

8. If you buy a horse to-day to be delivered to you to-morrow, and the horse should die before delivery, the loss is yours. The risk of accident to property is, in such cases, with the buyer. A buyer becomes the *owner* of property as soon as the contract is completed; but he is not entitled to take it into his possession till he pays or tenders the price, unless he has bought on a credit.

9. An agreement to do what is impossible to be done, or what is unlawful; or an agreement that is made under some threat or fear, is not binding. Idiots are not bound by their contracts; nor are lunatics bound by any agreement made while they are insane.

10. A person cannot give to another a title to what he does not himself own. A man buying a stolen horse cannot hold him, but must give him up to the owner. The thief, having no lawful title to the horse, could give no title. And if the horse should be sold ever so often, the owner has a right to take him wherever he finds him, by proving him to be his.

11. Frauds are often committed in selling articles that are faulty or unsound. It is the general rule of law, that if the seller does not expressly warrant an article, or if there is no fraud on his part, the buyer must abide the loss if the article proves defective. But if the seller conceals the defect knowing it to exist, he is liable to make good the damage.

12. There is much written in the books concerning contracts; but it is not easy to find a law to apply to every contract that may be made. Many lawsuits are caused by the failure of persons to fulfil their engagements. If all would practise honest dealing, and endeavor to be faithful in discharging their obligations, there would be little need of

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example of the necessity of a mutual promise. 8. Which party runs the risk of accident to property? 9. What agreements are never binding? 10. Can a man give a title to what is not lawfully his own? State a case. 11. What is the law about warranting property? 12. *What is said* about the law of contracts?

studying the law of contracts; much money now spent in lawsuits would be saved; and many unkind feelings between men would be prevented.

CHAPTER XXXI.

Of Principal and Factor, or Agent; and of Lien.

1. A *principal* is one who employs another, as *agent*, to transact his business. A *factor* is an agent; but the word factor is generally understood to mean a *commercial* agent; that is, one who is employed by merchants residing in a distant place, to buy and sell, and transact business for them. Thus, country merchants send their wheat, pork, pot-ashes, and other country produce, a. d millers send their flour, to their agents in the city of New York, to be disposed of. The owners of the property are called *principals;* their agents are factors, or, as they are perhaps more frequently called, *commission merchants.* As receivers of property consigned to them, they are also called *consignees*, and the persons who consign or commit to them their property, are *consignors*.

2. For the accommodation of the principal, the factor sometimes pays him a part of the value of the produce before it is sold. This is called *advancing money*. But factors would seldom advance money without security. They have, therefore, by law, a claim on the property on which they advance the money; and they can hold it till they shall have been paid their charges against the owner. And as a factor does not always know who is the actual owner, the person in whose name the goods are shipped, is to be considered the owner.

3. This claim which a factor has upon goods intrusted to him for sale, is called *lien;* and the factor may sell the goods, and retain out of the proceeds of the sale, what is due him; and the remainder he must pay to the principal,

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1. Define principal and factor. Who are consignees? Consignors? *2. What is advancing* money? How is a factor secured? 3. What is

or owner. But a person cannot sell or pledge property committed to him for transportation or storage only; nor can a factor pledge goods intrusted to him for sale, as security for his own debts.

4. How far, in ordinary business, a principal is bound by the acts of an agent, is not easy to determine. As a general rule, however, a general agent, that is, one who transacts either all kinds of business for his employer, or business relating to some particular department, binds his employer or principal, by his acts, so long as he keeps within the general scope of his authority, even though he were expressly instructed not to do a particular act.

5. But if an agent is employed for a special purpose, the principal is not bound by the act of the agent, if he passes the limits of his power. If I employ a man to go out and purchase a horse for me, without giving him authority to do any thing else, and if he buys a horse and a wagon, I am not bound to pay for the wagon, because the agent had power only to buy the horse.

6. If an agent buys in his own name, he is himself liable; and although he does not disclose the name of the principal, the principal also is bound, if the goods come to his use, but not otherwise.

7. A *lien*, as has been stated, is the claim of a factor or agent, upon property in his possession, as security for the payment of his charges. This right of lien extends to others than factors. It is intended also for the benefit of manufacturers and mechanics, and other persons carrying on business for the accommodation of the public.

8. A merchant has a lien upon goods sold till the price is paid, if no credit has been stipulated for; and even when he agrees to give a credit, if the purchaser practises fraud in obtaining the goods, the seller may take them. These cases differ, however, from ordinary cases of lien, as the purchaser has not, in reality, acquired any lawful right to

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this claim of a factor called? 4. In what cases cannot a factor sell or pledge property? In what cases, generally, is a principal bound by the acts of his agent? 5. How is it in case of a special agency? 6. How if an agent buys in his own name? Have others than factors the *right of lien*? 8. What is here said of a merchant's right of lien?

the property; and the merchant may dispose of the property as his own, which cannot be done in other cases.

9. A shoemaker receiving leather to manufacture into shoes, may retain the shoes until he is paid for the making; a tailor has a lien upon the garment made from another's cloth; a blacksmith upon the horse he shoes; an innkeeper upon the horse or goods of his guest; and common carriers upon the goods they transport. But they cannot hold property for any other debt; nor have they a right to sell such property to satisfy their claim upon it. Whenever a person allows property to go out of his possession, he loses his lien

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CHAPTER XXXII.

Of Partnership; and of Bailment, or the Delivering, Borrowing, Carrying, Letting, &c., of Property.

1. As much of the business of this country is done in partnership, it is necessary to learn what are the rights and responsibilities of partners. A *partnership* is the association of two or more persons for the purpose of carrying on any business, agreeing to divide the profits and bear the loss, in certain proportions. Persons forming a partnership, unite their money or capital. Sometimes one furnishes money, and another does the labor. Or, perhaps no money may be necessary, but each agrees to perform his share of the labor.

2. All the members of a partnership are bound by the act of any one of them, or by any contract which either of them may make. Although they agree to divide their gains and losses, either one of them is liable for all the debts of the partnership. If one of the concern buys property on his own account, for his individual use and benefit, he alone is liable; but though he thus buys it, if it be afterwards applied to the use of the partnership, all become liable.

3. There are cases, however, when not all who share in

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9. What is said of a mechanic's or manufacturer's lien? Of an innkeeper's?

1. What is a partnership? 2. How far are partners jointly liable? 3

the profits are responsible; as when a clerk or agent agrees to receive a part of the profits as a compensation for his service or labor; or when one receives, as rent, a part of the profits of a tannery, tavern, or farm. In these cases, although the parties share in the profits, there is no partnership; and the persons who buy the stock and other materials, and hire the labor necessary to carry on their respective trades, are alone responsible.

4. One partner cannot bring a new partner into the firm, without the consent of all the others. If, therefore, a partner should desire to sell his interest to some other person, who is to take his place in the partnership, he cannot do so, unless all the partners consent to such sale.

5. All the partners must unite in suing and being sued. Sometimes, however, there are secret or dormant partners, who conceal their names; these may not join in an action as plaintiffs, but they may be sued when discovered to be partners.

6. As each partner is liable for all the debts of the concern, so each may, in the name of the firm, in ordinary cases, assign over the effects and credits to pay the debts of the firm.

7. Any partner may withdraw when he pleases, and dissolve the partnership, if no definite period has been agreed on for the partnership to continue; but if, by the terms of agreement, it is to continue for a definite period, it cannot be dissolved before the expiration of the term, without the mutual consent of all the partners, except by the death or some other inability of one of them; or by a decree of the court of chancery. When a partnership is dissolved by the withdrawal of any of the partners, notice of dissolution ought to be given, or such partners will be liable for debts contracted by those who continue the business.

8. Another class of rights and responsibilities are those which arise from delivering and receiving property in trust,

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In what cases mentioned are not all liable who share in profits? 4. In what cases only can a partner sell his interest to a person not a partner? 5. Must all the partners join in suing and being sued? 6. What power has an individual partner to assign? 7. In what case can any partner *withdraw*, and dissolve the partnership? 8. The doing of what

to be kept or used, and re-delivered, according to agreement. Such delivery and receiving includes giving and taking goods to be kept for and without reward; in security for debt; borrowing and lending; letting for hire; carrying, &c. These are comprehended in the word *bailment*, which is from *bail*, a French word, signifying to deliver.

9. If a person takes goods to keep and to return them without reward, he must keep them with ordinary care, or if they receive injury, he will be liable to the bailor for damage; in other words, a bailee without reward is responsible only for gross neglect. The person with whom goods are deposited, is also called in law, *depositary*. A depositary may not use the goods taken into his care.

10. A person who agrees to carry goods from place to place, or to do some other act or work upon or about them, without recompense, must use due diligence in performing the work; he is responsible for gross neglect, if he undertakes and does the work amiss; but it is thought that for agreeing to do, and not undertaking or doing at all, he is not liable for damage. Or if he has been strongly persuaded to do the act, only a fair exertion of his ability is required.

11. A borrower is liable for damage, in case of slight neglect. If he applies the article borrowed to the use for which he borrows it, uses it carefully, does not allow another to use it, and returns it within the time for which it was borrowed, he is not liable.

12. A person who receives goods in security for a debt or engagement, is liable for ordinary neglect. But if he bestows ordinary care upon the goods, and they should then be lost, he still has a claim upon the pawnor for the debt.

13. When property is hired, that is, when something is to be paid for the use of an article, and it is injured by moderate usage, the owner bears the loss; but the hirer must not use it for any purpose but that for which it was hired, and he must return it promptly, or he is liable for damage.

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things is comprehended in the word bailment? 9. For what is a man responsible if he takes goods to keep without reward? 10. If he agrees to carry them without reward? 11. How is a borrower made liable? 12. For what is a pawnee liable? 13. In what case is a hirer liable?

14. If an article is delivered, upon which work is to be bestowed, the work must be properly done. A manufacturer who receives your wool, to make into cloth, or the tailor who takes cloth to make into a garment, must do the work well, or he is liable for damage. If the property should be lost or stolen, he is responsible for ordinary neglect.

15. Inn kepers are, in general, responsible for all injuries to the goods and baggage of their guests, even for thefts. But for losses caused by unavoidable accident, or robbery, they are not liable.

16. A common carrier, that is, one who carries goods for hire, as a common employment, is responsible to the owner even if robbed of the goods. But a person who occasionally carries goods for hire is not a common carrier, and is answerable only for ordinary neglect, unless he expressly takes the risk. A common carrier is one who holds himself out as ready to carry goods as a business, by land or by water, and is answerable for all losses, except in cases of public enemies, as in time of war, and in case of the act of God, as by lightning, storms, floods, &c. Public carriers are responsible for the baggage of their passengers, though they advertise it as being at the risk of the owners.

CHAPTER XXXIII.

Of Promissory Notes; Bills of Exchange; Interest.

1. A PROMISSORY note is a writing by which a person promises to another a certain sum of money, for some value received by the promisor. The following is a form:

"CLEVELAND, January 1, 1846.

"Three months after date, I promise to pay John Jones, or bearer, twenty dollars, for value received.

"SAMUEL SMITH."

2. Notes thus written may be bought and sold as other

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14. State the liability of one who takes an article to do work upon. 15. Of innkeepers. 16. For what are common carriers answerable? Who are common carriers?

1. *What is a promissory note?* State its form. 2. When is a note

property. But if the words *or bearer* were omitted, it would not so pass; or as men would say, it is not *negotiable*, being payable to John Jones only. The holder might sell it; but the buyer, if obliged to sue, must sue in the name of Jones, in which case Smith may offset against the note any demand which he may have against Jones. The words "or bearer" should therefore be inserted, that the holder, whoever he may be, may collect it in his own name.

3. Another way of making notes negotiable, though less practised, is to insert the words *or order*, in the place of "or bearer;" but in this case, the promisee must endorse it by writing his name on the back of it. Such endorsement is in law considered as his order to the maker to pay it to another person; and then it may pass.

4. It is usual to insert the words *value received*, as evidence that the note was given for some valuable consideration; for it will be recollected that contracts are not valid without some consideration. But these words are not necessary to make the note good; for if the maker of the note can prove that no value was received, he can avoid the payment, even if these words are in the note.

5. A note, after it has become due, is not negotiable as before due. It may be transferred; but the promisor may offset demands which he had against the promisee, the original holder, before he parted with it.

6. Notes are sometimes made payable *on demand*. They are due immediately; and payment need not be demanded and refused before the holder can sue. So also, if no time of payment is mentioned in a note, it is due when given, and no demand of payment is necessary. But a note payable *at sight*, or at a specified time after sight, must be presented for payment before it can be sued.

7. After a note has become due, the maker is allowed three days to pay, which are called *days of grace*. But if

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called negotiable? How is a note sued when not negotiable? How must it be drawn to be negotiable? 3. What is the effect of the words "or order," instead of "or bearer?" 4. Are the words, "value received," essential? 5. Is a note negotiable after it has become due? 6. What effect have the words "on demand?" What if no time of payment is mentioned? 7. What are days of grace? How is an endorser of a note

no time of payment is mentioned in the note, or if it is payable on demand, no grace is given. To bind the endorser of a note payable to order, payment must be demanded of the maker on the last day of grace, and refused, and the endorser notified the same day, or the day after, by the holder, or by a person sent for that purpose, that the note is not paid. If the parties do not reside in the same town, notice may be sent by the first mail after the last day of grace.

8. Sometimes the seller of a note warrants it. If in his endorsement he guaranties "the payment of the note," he is liable the same as an original promisor. If he warrants it "good," or "collectable," the holder must show that it could not be collected of the maker when due, or the guarantor is not liable.

9. Sometimes notes, so called, are made payable in grain, lumber, or some other property, instead of money. But these are not considered in law as notes, and are not negotiable, though written payable to bearer. Such obligations, however, are often sold and transferred; but if sued, it must be done in the name of the payee, in which case the promisor may offset demands, if he has any, against the payee. If such obligations are not paid when they become due, they are then payable in money.

10. A *bill of exchange* is an order drawn by one person on another, requesting him to pay money to a third person. The following is a form:

"COLUMBUS, December 10, 1845.

"Ten days after sight, pay James Johnson, or order, five hundred dollars, value received. PETER PRICE.

"To THOMAS THOMPSON,
"Merchant, New York."

11. It will be seen that this is, in effect, the same as an order used in common business. But when drawn by merchants in commercial cities on persons in distant places,

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made and held responsible? How and when must he be notified of non-payment? 8. What is the difference between guarantying the payment of a note and warranting it good? 9. What is here said of obligations for property? How sued, &c.? 10. What is a bill of exchange? 11. *What is it like?* 12. State the nature and effect of a bill of ex-

orders of this kind are called bills of exchange. They are often very convenient to persons in mercantile business.

12. The nature and operation of a bill of exchange are thus illustrated:—A in New York has $500 due him from B in Cincinnati. A draws an order on B for that sum, and C, who is going to Cincinnati, pays A the money, and takes the order and receives his money again of B. If B has not the money when the bill is presented,—or if it is made payable at some future day, and he agrees to pay it, he is said to *accept* the bill; and as evidence of the fact, he writes his acceptance upon it.

13. When a person accepts a bill he becomes the debtor, but the drawer remains liable to pay if the acceptor fails to do so. But payment must be demanded of the acceptor on the last day of grace, and notice given to the drawer, as in the case of an endorsed note.

14. *Interest* is an allowance for the use of money, or for the forbearance of a debt. Thus, a person lends to another $100 for one year, and receives for the use of it $6, which is called the interest. Promissory notes are generally made payable with interest.

15. The rate of interest is fixed by law, but it is not the same in all the states. In the state of Ohio it is six per cent.; that is, six dollars on every hundred for a year, and in that proportion for a longer or shorter period. A less rate may be taken, by agreement; but when no special agreement is made, six per cent. may in all cases be charged. A higher rate of interest than that fixed by law, is called *usury*. If a person has paid usurious interest, he may sue for and recover the amount paid above the lawful interest.

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change. How is it accepted? 13. Who is then debtor? When must payment be demanded? 14. What is interest? Give an example. 15 What is the lawful rate of interest in this state? What is usury?

CHAPTER XXXIV.

Moneyed Corporations.—Banks ; Insurance Companies.

1. We are informed that the first banks were only places where money was laid up or deposited for safe-keeping. But banks at the present day are not used for depositing alone. No banks in this country can be established, but by authority of law. The formation, nature, and uses of a bank, are shown by the following example :

2. If the inhabitants of a place want a bank, they petition the legislature to incorporate a banking association. The act of incorporation prescribes the manner in which the company shall be formed, how its business shall be done, and the amount of capital or stock to be employed. The capital is raised in this way: The sum intended to constitute the capital of the bank, is divided into shares of $100 each: so that if the whole stock is to be $100,000, there are 1000 shares. These shares are sold, to one person ten, to another twenty, and to another, perhaps fifty, and so on till all are sold, and the whole capital is paid in.

3. Now a person buying any number of shares, takes a certificate, stating that he is the owner of such number of shares; and such certificate may be sold to another person.

4. The stockholders choose of their number, usually, thirteen directors, who choose one of themselves to be president; hence the name of a banking association generally is, "President, Directors, and Company of the Bank of ——." The president and directors choose a cashier and clerks.

5. A part of the business of banks is still that for which they were originally intended, viz., depositing money. Merchants and other business men near a bank, deposite their money, and then draw it out as they have use for it, by sending their order to the cashier. This order is called a check.

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1. What is said of the first banks? 2. State how a bank is authorized, and how the capital is raised. 4. Who are the stockholders? What officers are chosen, and how? 5. How are deposites drawn out of

6. Banks are allowed to issue their own bills as money. A bank bill or note, is a promise to pay the bearer a certain sum, on demand, and is signed by the president and cashier. These bills pass as money, because persons holding them may get the gold or silver for them by demanding it of the cashier.

7. A material part of the business of a bank is to lend money. If a man wants to borrow money at a bank, he makes a note for the amount wanted, which is signed by himself and one or two others as sureties. For this note the cashier pays, in the bank's own bills, deducting from the amount the interest for the time the note is to run.

8. Another kind of business done by banks is, to assist merchants and others in transmitting money to distant places. An operation of this kind is performed thus: A in Boston wishing to send $1,000 to B in Philadelphia, puts the money into a bank in Boston; and takes for it an order, or draft, on a bank in Philadelphia, for that amount to be paid to B. The draft is sent by mail to B, who calls at the bank, and receives his money: and the bank charges the amount to the Boston bank.

9. But how does the bank in Philadelphia get its money again? It must be remembered, that as there are many merchants in each city constantly trading with those in the other, large sums must be constantly sent from one place to the other, through the banks. The bank in each city, therefore, keeps account with that in the other; and as about an equal amount passes from each to each, many thousand dollars may be charged by each to the other, and on settlement but a small balance may be due from either.

10. It has just been said that banks pay out their own notes as money, which they promise to pay on demand. Paying specie for their bills is called *redeeming* them. But banks sometimes issue more bills than they are able to redeem. In that case they are said to fail or to break; and the holders of bills suffer loss; because the individual property

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a bank? 6. What is the nature of a bank bill? 7. How is money borrowed from a bank? 8. Describe the manner of transmitting money to distant places through banks. 9. How are banks saved the trouble of collecting from each other after each operation? 10. What is redeem-

of the stockholders cannot be taken to pay the debts of the bank, except in a few states.

11. A law has recently been enacted in the state of New York, and a similar one by the legislature of this state last year, (1845,) in pursuance of which, banks may be established by individuals or companies, without applying to the legislature for a special law for every bank. These laws require, that security shall be given, by which bill-holders may be protected against losses by the failure of banks.

12. There is another kind of moneyed corporations, called *insurance companies*. They are formed in the same manner as banks. For a small sum paid them, say 50, 75, or 100 cents on every 100 dollars of the estimated worth of a building, they agree to pay for it if it should be destroyed by fire. They also insure ships and other vessels. Sometimes the lives of men are thus insured; the company agreeing to pay a certain sum, or a yearly allowance, for the benefit of a man's family in case of his death.

13. But it may be asked, From what source do the stockholders of an insurance company derive their profits? Suppose they have 500 houses insured, the average value of which is $1,000 each: the amount of risk is $500,000. If the rate of insurance is one dollar a year for every $100 insured, the company receives $5,000. If no buildings should be burned within the year, this sum would be gained. If one building should be consumed, the gain would be $1,000 less. If five buildings, there would be no gain; but an actual loss to the amount of the necessary expenses of the concern, to be paid out of the capital-stock of the company.

14. But from the average annual losses by fire during a number of years, a company is enabled so to rate the insurance, as to give the stockholders a fair profit on their capital, to be divided among them. The money paid by a person for insurance, is called *premium;* that which is divided as profits, is called *dividend*.

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ing bills? 11. What laws have been lately enacted in New York and Ohio, in relation to banking? 12. What is the nature of an insurance company? What besides buildings do they insure? 13. Illustrate, by *example, the operation* of an insurance company. 14. From what may

15. There is another kind of insurance companies, which are becoming very general, called *mutual insurance companies.* They are so called, because the members unite in insuring each other. Every person having his property insured by such a company, is a member of it. He has his buildings and the property in them valued; and he pays a fixed sum per cent. on such valuation. A fund is thus raised, out of which any member suffering loss by fire is paid the value of the property lost. Whenever the fund is exhausted, a tax is assessed upon the members in proportion to the value of each one's property insured, in order to replenish the fund.

CHAPTER XXXV.

Of the Domestic Relations.—Of Marriage, and the Relation of Husband and Wife; Parent and Child; Guardian and Ward.

1. The marriage relation is a most important one. By improper marriages many persons are rendered unhappy for life; and sometimes the peace of whole families is destroyed. Some law, therefore, is necessary to prevent such marriages, as far as possible, by declaring what kinds of marriages may, and what kinds may not be contracted.

2. To make a marriage contract binding, several things are necessary: (1.) Persons must have sufficient understanding to transact the common business of life: hence lunatics and idiots cannot bind themselves in marriage. (2.) The parties must not be nearer of kin than first cousins. (3.) They must be of sufficient age. By the common law, males must be fourteen, and females twelve years. But by the laws of this state, the age of males is fixed at eighteen, and that of females at fourteen years.

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a company judge what rate of insurance to charge? 15. What is the nature of a mutual insurance company? How are its funds raised and applied? How is the fund replenished?

2. Can idiots and lunatics contract marriage? How near relatives may not marry each other? What age is necessary? What is said of

(4.) Persons must act freely. If the consent of either party has been obtained by force or fraud, the marriage may be declared void. Persons under age must obtain consent of their father; or if he is dead or incapable, then of their mother or guardian.

3. A person having a wife or husband living, cannot lawfully contract a second marriage, except when the former wife or husband has been sentenced to imprisonment for life; or has been absent for five years together, and the party remarrying not knowing that the absent party was living within that time; or when the former marriage has been lawfully dissolved.

4. Marriages may be solemnized, that is, the marriage ceremony may be administered, by ministers of the gospel who have been duly licensed by the court for that purpose; by a justice of the peace in his county; or by religious societies agreeably to their rules.

5. Persons desiring to marry, must either obtain a license from the clerk of the court of common pleas, who must ascertain whether there is any legal impediment to the marriage, before giving license; or, instead of obtaining license, notice of the intended marriage must be published on two different days of public worship, the first at least ten days before marriage, in the county in which the female resides.

6. The minister or justice who solemnizes the marriage, must be duly informed and satisfied, that the requirements of the law have been complied with, before he joins the parties in marriage; and he is required to send, within three months, a certificate of the marriage to the clerk of the court of common pleas to be recorded.

7. By marriage the husband and wife become, in law, one person. The husband acquires a right to the property of the wife which she had before marriage.* He has a right to the use of her property in lands, or real estate, during his lifetime, and is entitled to the rents and profits thereof;

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a forced or fraudulent marriage? 3. In what cases may a person marry a second time while the former wife or husband is living? 4. Who may solemnize marriages? 5. By whom are licenses to marry granted? Instead of getting license, what course must be taken? 6. *What is required* of the minister or justice? 7. What right to a wife's

but he cannot dispose of the property unless she joins with him in the deed. But her chattels real, which are leases of land for years, and all her other personal estate, including debts due her by bond, note, or otherwise, when collected by him, become his; and he may dispose of them as he pleases.

8. As the husband acquires, by marriage, an interest in his wife's property, so he is obliged to pay her debts contracted before marriage: but if they are not recovered of the husband during the time he is united to her in marriage, he is no longer answerable for her debts.

9. It is the duty of the husband to maintain his wife; and he is bound to pay debts which she may contract for necessaries, but for nothing more. And it seems to be the law, that even if he forbids all persons to trust her, she can bind him for necessaries, if they have become separate through fault on his part. If they part by consent, and he secures to her a separate maintenance, and pays it according to agreement, he is not answerable even for necessaries.

10. The husband and wife cannot be witnesses for or against each other in a court of justice; but any declarations which a wife makes when acting as the agent of her husband, may be taken as evidence against him.

11. *Parent and child.* It is the natural and reasonable duty of parents to maintain and educate their children until they become of suitable age to provide for themselves. The age at which the obligations of parents, as guardians of their children, end, is in this country twenty-one years; when children are at liberty, and have power to make contracts for themselves. In this state, however, females are deemed of full age at eighteen. The age at which the control of parents over children ceases, children are said to be *of age*, or to have arrived at the age of *majority*. Hence, under that age, they are in law called *infants*, or minors, and are said to be in a state of *minority*.

12. As parents are bound to support their minor children, they have a right to their labor; and they may recover the

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property does a husband acquire by marriage? 8. How far is he liable for her debts? 9. How far is he bound by her contracts? 10. Can a husband and wife be mutual witnesses? 11. When do children become of age? 12. Can children dispose of their own labor? How far

money for the wages of their children, from any person employing them without their parents' consent. A parent is not bound to pay even for necessaries sold to a child, unless the child had authority from the parent, or unless the parent neglected to provide for the child, or forced him from home by severe usage. And when a child is obliged to support himself, he is entitled to his own earnings.

13. A second husband is not bound to support the children of his wife by a former husband. If, however, he receives such children into his family, he is liable to support them as his own.

14. If a father dies before the child is of age, and does not, by will, appoint a guardian, the mother becomes the guardian of the child, until he arrives at the age of fourteen years, when he may choose a guardian for himself. If there is neither father nor mother, the court appoints a guardian.

15. *Guardian and ward.* The father is the natural guardian of a child, and after his death, the mother. But a father may, by his deed, or last will, appoint a person to take care of a minor child and his property. Such person is then guardian, and the child is called *ward.* If the father does not by will appoint a guardian, the court of common pleas may appoint one, and on good cause being shown, may authorize the guardian to dispose of the property of the minor child.

16. Males above fourteen, and females above twelve years, or those for whom the court has appointed guardians, when they shall have arrived at those ages, may choose for themselves guardians, such as the court shall approve. If they do not come before the court and choose guardians, after having been notified by the court to do so, the court appoints guardians. Guardians may bind out children under the ages mentioned, males until they are twenty-one,

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are parents liable for children's contracts? 13. What is said of second husband's obligation to his wife's children? 14. If a father dies, who is guardian of his children? 15. Who is the child's natural guardian? If a father does not, by will, appoint a guardian, who does? 16. At what ages may children choose guardians? In what case does the court *appoint guardians*? Until what ages may children be bound?

and females until they are eighteen; provided the persons to whom they are bound, and the terms of the covenant, shall be approved by the court.

CHAPTER XXXVI.

Minors; Masters, Apprentices, and Servants.

1. *Minors.* The statutes of Ohio do not declare how far minors may bind themselves by contract or agreement. In such case, the common law must determine. In general, a minor is not bound by a bargain which he may make; but if he agrees, after becoming of age, to fulfil a contract which he made while a minor, he must do so. And if he has no father or other guardian, he is bound to pay for articles actually necessary for him. But the person who trusts him must make inquiry; and if the minor has been properly supplied by his friends, the person trusting him cannot recover; nor can he in any case recover more than the actual value of the goods sold to the minor.

2. But minors are responsible for the payment of fines; and they may be prosecuted and tried for acts of fraud and crime. It is not easy, however, to determine, from the practice of courts of law, in what particular cases a minor is or is not accountable for fraudulent acts. His age, and the circumstances in which he was placed, might be such as to free him from obligation; but an act of gross and palpable fraud, committed by an infant who has arrived at the age of discretion, would bind him to a contract.

3. *Masters, apprentices, and servants.* Minors may, of their own free will, bind themselves, in writing, to serve as apprentices or servants, in any trade or employment; males, until the age of twenty-one, and females, until the age of eighteen, or for a shorter time. A minor thus binding himself must have the consent of the father; or if the father is dead, or disqualified by law, or neglects to provide

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1. Are minors bound by their bargains? In no case? 2. Are they *liable for fines? How* in case of fraud or crime? 3. May minors bind

for his family, then consent must be had of the mother; or if the mother is dead or disqualified, then of the guardian.

4. Destitute, or poor children, may be bound out by the trustees of townships. Females bound for four years or more, must be taught to read and write, and the first four rules of arithmetic; males bound for five years, must be taught the same, and arithmetic to the single rule of three. Masters are required to get the indentures recorded in the office of the township clerk, within three months.

5. When an apprentice becomes immoral or disobedient, the master may complain to a justice of the township, and have an investigation before a jury, and the indenture may be annulled. A master is liable to pay for necessaries for his apprentice, and for medical attendance; but he is not so liable in the case of hired servants.

6. There is, in this state, no statute law defining the rights and obligations of hired servants and the persons employing them. Both are obliged to fulfil their agreement. If a hired servant leaves the service of his employer, without good cause, before he has worked out the time for which he was hired, he cannot recover his wages. And for immoral conduct, wilful disobedience, or habitual neglect, he may be dismissed. On the other hand, ill usage, or any failure on the part of the employer to fulfil his engagement, releases the laborer from his service.

7. How far a master is answerable for the acts of his hired servant, is not clear. As a general rule, however, the master is bound by contracts made, and liable for injuries done, by a servant actually engaged in the business of his master, whether the injury proceeds from negligence or from want of skill. But for an injury done by a wilful act of the servant, it is considered that the master is not liable.

8. If the servant employs another to do his business, the

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themselves as apprentices? By whose consent? 4. By whom may poor children be bound? In such case, how must they be taught? 5. What if an apprentice becomes immoral or disobedient? For what is a master liable? 6. What if a hired servant does not serve out his time? For what cause may he be dismissed? For what may he leave? 7. In what cases are masters liable for acts of servants? 8. In what cases here mentioned is a servant liable?

master is liable for the injury done by the person so employed. But a servant is accountable to his master for a breach of trust, or for negligence in business, or for injuring another person in his master's business.

CHAPTER XXXVII.

Of Crimes and Misdemeanors.

1. To protect the persons and property of the citizens, there must, in every state, be laws against crime: and these laws ought to define the several crimes, that persons may know what they are; and to declare the measure of punishment to be inflicted upon offenders. There is, in the state of Ohio, but one crime which is by the laws declared to be punishable by death: this is murder in the first degree.

2. In some states, treason also, and a few other crimes, are declared to be capital offences. Our laws do not provide for the punishment of treason. As this crime is defined and made punishable by the laws of the United States, the offence, if committed in this state, must be tried in a court of the United States. Crimes are called *capital* offences, and their punishment is called *capital* punishment, because the punishment is the highest that can be inflicted; and perhaps also because the word capital is derived from the Latin *caput*, which means *head;* punishment by death being formerly in eastern countries generally, and perhaps still in some, inflicted by beheading the offender.

3. *Murder* in the first degree is the killing of a person either deliberately and maliciously, and with intent to effect death; or in maliciously committing a crime, though not with a design to effect death. A person convicted of the crime of murder in the first degree, shall suffer death. Murder in the second degree is the killing of a person purposely and maliciously, but without previous deliberation;

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1. What crime is punishable by death? 2. What is said of treason? *Why are crimes called* capital? 3. What is murder in the first degree?

for which a person is to be imprisoned in the penitentiary, and kept at hard labor during life.

4. *Manslaughter* is killing a person without malice, either upon a sudden quarrel, or unintentionally while committing some unlawful act. The punishment is imprisonment in the penitentiary, not exceeding ten years, nor less than one year. The reason why the same measure of punishment is not always inflicted for the same offence, is, that it is not always committed under circumstances equally aggravating.

5. *Arson* is the wilfully and maliciously burning of any dwelling-house, shop, barn, or any other building, the property of another, or any bridge across any of the waters of this state, of the value of fifty dollars. Penalty, imprisonment not exceeding twenty years, nor less than one year, according to the aggravation of the offence. Attempting to commit arson, is firing a building with *intent* to destroy it, and is a misdemeanor. Imprisonment from one to seven years.

6. *Homicide* signifies mankilling. It is of three kinds, felonious, justifiable, and excusable. When felonious, it is either murder or manslaughter. *Justifiable* homicide is that which is committed in the necessary defence of one's person, house, or goods, or of the person of another, when in danger of injury; or that which is committed in lawfully attempting to take a person for felony committed, or to suppress a riot, or to keep the peace. *Excusable* homicide is the killing of a person by accident, or while lawfully employed, without any design to do wrong. In the two last cases there is no punishment.

7. *Burglary* is maliciously and forcibly breaking into and entering in the night-time, any dwelling-house, or other building, with intent to commit a crime. Imprisonment from three to ten years.

8. *Robbery* is taking money or personal property from another by force, or by putting him in fear, with intent to rob or steal. Imprisonment from three to fifteen years.

What in the second degree? How punished? 5. What is arson? How punished? Attempt to commit, how punished? 6. Define the different kinds of homicide. 7. What is burglary? The penalty? 8

9. *Forgery* consists in falsely making, counterfeiting, or altering, any instrument of writing, with intent to defraud. The word *counterfeiting* is generally applied to making false coins or bank notes, or in passing them; or in having in possession any engraved plate, or bills unsigned, which are intended to be used for these purposes. Imprisonment for forgery, from one year to twenty years; for counterfeiting, not exceeding fifteen years.

10. *Larceny* is theft, or stealing. If the value of the property stolen is thirty-five dollars or more, it is called *grand larceny*, and is punishable by imprisonment not less than one year, nor exceeding seven yenrs. Stealing less than thirty-five dollars is called *petit larceny*. A person guilty of this offence, or who shall maliciously destroy any bank bill, promissory note, or other obligation or receipt for money, the property of another, shall be liable to make restitution to the party injured, double the value of the property stolen or destroyed; and in addition, to be fined not exceeding $200, or imprisoned in the county-jail, and kept on bread and water only, not exceeding thirty days.

11. *Perjury* is wilfully swearing falsely to any material matter, upon an oath administered according to law. Imprisonment not exceeding ten years, nor less than three. *Subornation of perjury* is procuring another to swear falsely. Punishable as perjury.

12. *Bigamy* is the crime of having two or more wives; and is also called *polygamy*. But bigamy literally signifies having *two* wives, and polygamy any number more than one. These words, in law, are applied also to women having two or more husbands. A person having a husband or wife living, and marrying another person, is guilty of bigamy. Imprisonment not exceeding seven years, nor less than one year. If a wife or husband has been wilfully absent for five years, and has not been heard from, and the other marries again, it is no crime.

What is robbing? Penalty? 9. Forgery? and counterfeiting? Penalty? 10. Larceny? Grand and petit larceny? Penalty? 11. Perjury? Penalty? Subornation of perjury? 12. Bigamy and polygamy?

13. *Incest* is the marrying or cohabiting together as husband and wife, of persons related more nearly than the degrees fixed by law. [See Marriage.] Imprisonment as for ordinary crimes.

14. Aiding a convict to escape from the penitentiary, may be punished by imprisonment for a term not longer than that for which the convict was originally sentenced. Aiding or abetting others in committing an offence, is usually punished as for actually committing it.

15. Knowingly buying or receiving stolen goods of the value of thirty-five dollars to defraud the owner, or harboring or concealing the thief or robber, is an offence, and is punishable as stealing and robbing.

16. *Duelling* is a combat between two persons with deadly weapons. Any person challenging or accepting a challenge to fight a duel, or advising or encouraging another to fight, whether the duel be fought or not, shall be deemed guilty of a misdemeanor. Punishable by imprisonment not less than one year, nor exceeding ten years; and the offender may never thereafter hold an office under the government of the state. If death shall ensue from the duel, the persons concerned in it shall be deemed guilty of murder, and be punished for murder in the first or second degree.

17. Intentionally *maiming* another by cutting out or disabling the tongue, or any other member or limb; inveigling or *kidnapping;* committing or attempting an assault, with *intent to kill*, or to commit any other felony, or in resisting the execution of a legal process; *administering poison* without producing death; *poisoning any well* or spring of water; are all misdemeanors, and punishable as such.

18. Any person sentenced to be punished for either of the crimes and misdemeanors defined in this chapter, except manslaughter and duelling, shall be incompetent thereafter for an elector, a juror, a witness, or to hold an office, unless

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Penalty? 13. Incest? Penalty? 14. Aiding escapes, and in committing crime, what penalty? 15. Buying or receiving stolen goods, what penalty? 16. What is duelling? How punished? 17. What misdemeanors are mentioned in this section? 18. What disqualifications do the foregoing crimes produce?

he shall have been pardoned before the expiration of the time for which he was sentenced.

CHAPTER XXXVIII.

Offences punishable by Imprisonment in a County Jail, and by Fine.

1. *Embezzlement* is fraudulently putting to one's own use what is intrusted to him by another, and is punishable as the stealing of property of the same value. Knowingly to buy or receive property embezzled, is punishable to the same extent.

2. Obtaining from another person, by *false pretences*, any money or goods, is a misdemeanor, and is punishable by fine or imprisonment in a county jail.

3. *Assault and battery* is unlawfully to assault or threaten, or to strike or wound another. Imprisonment not exceeding ten days, or fine not exceeding $150, or both fine and imprisonment. The offender is also liable to the party injured for damages.

4. A person taking upon himself to act as a public officer, and taking or keeping a person in custody unlawfully or without authority, is *false imprisonment;* for which the offender may be fined not exceeding $250, or imprisoned not exceeding ten days, or both fined and imprisoned.

5. A *riot* is the assembling together of three or more persons, with intent forcibly to injure the person or property of another, or to break the peace; or agreeing with each other to do such unlawful act, and making any movement or preparation therefor, though lawfully assembled. Fined not exceeding $200, and imprisoned in a cell or dungeon in county jail, and kept on bread and water, not exceeding ten days. When riotous persons are thus assembled, and are proceeding to commit offences, any judge,

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1. What is embezzlement? What is its penalty? 2. How is obtaining goods by false pretences punishable? 3. What is assault and battery? How punished? 4. What is false imprisonment? Penalty? 5. What is a riot? How punished? How may it be suppressed?

justice, sheriff, or other ministerial officer, may make proclamation in the name of the state of Ohio, and command them to disperse. If they refuse, the peace-officers are required to call upon all persons near to aid in taking the rioters into custody. Persons refusing to assist, may be fined not exceeding $25.

6. If two persons agree, and wilfully *fight* or *box* at fisticuffs, they are to be deemed guilty of an *affray*, and may be fined not exceeding $50, or closely confined ten days, or both.

7. *Opening a grave*, and removing therefrom a dead body, or being concerned in so doing, is a misdemeanor, and subjects the offender to a fine not exceeding $1000, or imprisonment 30 days, or both.

8. Knowingly to send or deliver to another a letter, threatening him with injury, in order to extort from him money or other property, is a misdemeanor. Fine, not less than $50, nor exceeding $500, or imprisonment ten days, or both.

9. *Bribery* is promising or giving a reward to a public officer, to influence his opinion, vote, or judgment, and is punishable by fine and imprisonment. A person accepting such bribe, is punishable in like manner. Persons guilty of bribery may also be prevented for a time from holding office.

10. A sheriff or other officer voluntarily suffering a prisoner charged with or convicted of an offence, to *escape* from his custody, is guilty of a misdemeanor. Fine, not exceeding $500, and imprisonment ten days, or both. To *rescue* a prisoner thus charged or convicted, is punishable in a similar manner. It is also a misdemeanor to assist a criminal, with a view to effect his escape, though he does not escape from jail.

11. A person who shall attempt to corrupt or influence a juror or witness, by promises, threats, money, or other

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6. What is here called an affray? How punished? 7. What is the penalty for opening a grave? 8. What for extorting money or property by threat? 9. What is bribery? Penalty? 10. Penalty for an officer voluntarily permitting a prisoner to escape? To rescue a prisoner, &c.? 11. *Penalty for* attempting to corrupt a juror? 12. Penalty for refusing

means; or a juror or witness who shall corruptly take any reward, shall be punishable by fine or imprisonment, or both.

12. A person for refusing to take an oath or affirmation in a court of justice, may be imprisoned until he shall consent to take the same; and after he shall consent, he may also be fined not exceeding $20.

13. A person who shall write, print, or publish any false or malicious *libel* concerning another, may be fined not exceeding $500; and he shall moreover be liable for damages to the party injured.

14. Altering or defacing ear-marks or brands upon horses, cattle, &c., the property of another, is a misdemeanor, for which the offender may be fined not exceeding $50; and he shall be farther liable for treble damages to the party injured.

15. Maliciously killing the horses or beasts of another person, when such beasts are not trespassing, is an offence for which the person offending may be fined not less than $5, nor exceeding $100, and imprisoned twenty days: and he shall also be liable to the owner for double the value of the property.

16. Besides the offences enumerated in the preceding sections of this chapter, there are numerous others, punishable by fine or imprisonment, the precise measure of which it is not necessary to state: Defacing or destroying monuments or tombstones; refusing to aid an officer in arresting or securing persons charged with crime; maliciously burning stacks of hay or grain, or other property; maliciously destroying or injuring fruit or other trees; destroying, altering, or defacing mile-stones or guide-boards; selling unwholesome flesh of diseased animals, or other unwholesome provisions; and sundry other offences.

17. Crimes and misdemeanors must be prosecuted by indictment by a grand jury. And those mentioned in this chapter must be prosecuted in the court of common pleas;

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to swear or affirm? 13. Penalty for libel? 14. Penalty for altering *or defacing ear-marks, &c.*? 15. Penalty for killing others' beasts? *16. What offences* are mentioned in this section? 17. How must crimes

and the fines imposed and collected for many or all of them, are paid into the county treasury.

18. *Arrest and examination of offenders.* A judge or justice of the peace may issue process for apprehending a person charged with an offence. When complaint is made to a magistrate, he examines the complainant on oath, and any witnesses that are produced; and if it appears that an offence has been committed, he issues a warrant, commanding the officer to whom it is directed, to bring the accused before the magistrate.

19. The magistrate first examines the complainant and witnesses in support of the prosecution; and next the prisoner, who is not on oath, and then his witnesses. If an offence has been committed, the magistrate binds, by recognizance, the prosecutor and all material witnesses, to appear and testify against the prisoner, at the next court at which the prisoner may be indicted and tried. If the offence is one for which he may be let to bail, the magistrate may take bail for his appearance at the next court. But if no bail is offered, or if the offence is not bailable, the prisoner is committed to jail until the next court having power to try him. But he must be indicted by a grand jury before he can be tried.

20. The way in which bail is taken is this: The accused gives a bond in such sum as the justice or judge shall require, with one or more sureties, who are bound for the appearance of the accused at the next court, or in case he shall not appear, then to pay the sum mentioned in the bond. This bond or obligation is in law called a *recognizance*. The same name is also applied to the bond given by the prosecutor and witnesses for their appearance at court.

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be prosecuted? How are the fines applied? 18. How is an arrest for crime made? 19. Describe the examination. In what cases is bail taken? 20. How is it done? What is a recognizance?

CHAPTER XXXIX.

Offences punishable by Fine only.

1. *Betting and gaming* are unlawful acts. The loser of any wager or bet is not bound to pay it; or, if he has paid it, he may within six months sue for and recover the same. If he shall not prosecute within six months, any other person may do so, and retain the money for his own use.

2. Any person who shall make any bet or wager upon the election of any person to office, or who shall use any threat or coercion to procure any person in his employ to vote contrary to such person's inclination, may be fined, not less than $5, nor exceeding $500. In all cases wherein the sum bet is between five and five hundred dollars, the fine shall be equal to the sum hazarded by the bet; the fine to be prosecuted by indictment, and paid into the county treasury.

3. A person may not play at games except those of athletic exercise, at or about any eating-house, tavern, or race-field, nor bet on the hands or sides of those who play; nor may a person play anywhere for money or other property, nor bet on others' playing. Fine not exceeding $100.

4. A person, for keeping or exhibiting for gain, any gaming table or other gaming device, or allowing the same to be kept in or about his premises, may be fined from $50 to $200, and be made to give security in the sum of $500 for his good behavior for one year: and if the offender is a tavern-keeper, he forfeits his license. Fines to be paid to the county treasurer for county purposes.*

5. *Sabbath-breaking* consists in shooting, hunting, sporting, and pastimes on Sunday, and travelling and servile labor, except such as necessity and charity require. Penalty, from $1 to $5 for each offence, if committed by a person of the age of fourteen years. The law does not forbid per-

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1. What is the penalty for betting and gaming? By whom sued for? 2. What penalty for betting on elections; and influencing a voter? 3. What games and bets on them are here forbidden? By what fine? 4 What penalty for keeping or exhibiting gaming tables, &c.? 5. What

sons laboring, who conscientiously keep the seventh day of the week as sabbath; nor does it forbid the travelling of families emigrating, nor watermen landing passengers, nor keepers of ferries or toll-gates attending them. No person may sell liquors on that day, except tavern-keepers to travellers; fine for so doing, not exceeding $5.

6. For wilfully *disturbing a religious meeting*, by improper behavior, or by making a noise within or near the house or place of meeting, the offender may be fined not exceeding $20. If within the place of the meeting when making the disturbance, he may be turned out.

7. Profane *cursing and swearing* are forbidden. Any person fourteen years of age, who shall profanely curse or damn, or profanely swear in the name of God, Jesus Christ, or the Holy Ghost, may be fined from $1 to $25 for each offence.

8. Any person playing bullets, or running a horse in the streets of an incorporated town or village, or shooting a gun at a target in such place, is liable to be fined from 50 cents to $5.

9. A keeper of a public house, for keeping or permitting a ball or ninepin alley on his premises, or for being interested in one on another's premises, may be fined from $10 to $100; the money to be applied to the use of common schools.

10. A person who shall exhibit a puppet-show, wire-dancing, juggling, or sleight-of-hand, for money or other property, is liable to a fine of $10, neither more nor less.

11. Defacing or tearing down an advertisement set up by authority of law, subjects the offender to a fine not exceeding $10; and he may also be imprisoned twenty-four hours.

12. A person, for exposing spirituous liquors, cider, or beer, within a mile of any religious meeting, may be arrested and detained in custody, not exceeding six hours; and shall be fined not exceeding $20.

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does the law pronounce sabbath-breaking? Penalty? 6. Penalty for disturbing a religious meeting? 7. Penalty for profane swearing? 8. What for playing bullets, racing in streets, and shooting at a target? 9. What for a keeper of a public house to suffer ball alley, &c.? 10. For exhibiting public shows, &c.? 11. Defacing or tearing down advertisements? 12. For exposing liquors near religious meetings?

13. Confining, or assisting in confining, a bull, steer, or any other domestic animal, for purposes of torture; or aiding in torturing the same; may be fined not exceeding $100.

14. For exhibiting, or for assisting in exhibiting, the game of cock-fighting, the offender is liable to be fined not exceeding $20.

15. Running a match *horse-race* in any public road, to try the speed of horses, subjects the offender to a fine not less than $1, nor exceeding $5. Most or all of the fines imposed for offences mentioned in this chapter, except in the first four sections, go into the township treasury for school purposes.

CHAPTER XL.

Of the Liberty of Conscience; Liberty of Speech, and of the Press; Writ of Habeas Corpus.

1. We have now given a general view of the different departments of the government of the state, and an abstract of the laws defining the rights and prescribing the duties of citizens. There are, however, certain important rights guarantied to the people of the state by their constitution, which have not yet been noticed. They will be found among the list of "the general, great, and essential principles of liberty and free government," declared in the 8th article of the constitution. Three of these rights are deemed of so great importance, as to deserve particular consideration. They are asserted in the 3d, 6th, and 12th sections of that article.

2. The first of these sections secures to every citizen *liberty of conscience;* which is the liberty to discuss and maintain our religious opinions, and to worship God in such manner as we believe most acceptable to him. This is a

13. For bull-baiting, &c.? 14. Cock-fighting, &c.? 15. For running a match horse-race in a public road? To what use are these fines applied?

1. What rights are declared in the 3d, 6th, and 12th sections of the *8th article of the constitution?* 2. What is liberty of conscience?

privilege heretofore denied to the people of many countries, even in some called Christian and civilized; in which many thousands have been put to death for their religious opinions.

3. But the rights of conscience are now more extensively tolerated. In some countries, however, there is still what is called an established religion, where some religious denomination receives the support of the government, as in Great Britain. This is called "union of church and state." Although the constitution in this article very properly declares "religion," as well as "morality and knowledge," to be "essential to good government and the happiness of mankind;" and although it has done wisely in providing to some extent for the religious instruction of the people; it declares, with equal propriety, that "no preference shall ever be given by law to any religious society or mode of worship."

4. Another of these rights is the liberty "to speak, write, or print upon any subject, as he thinks proper;" which is called, *the liberty of speech and of the press.* The word *press* here signifies the business of printing and publishing; hence liberty of the press is the right to publish books and papers without restraint.

5. In many foreign countries, persons were not allowed to speak against the government or its officers, however bad their character or acts might be. In some of these governments, books and papers could not be issued without being first examined by persons appointed by the government. In this country no law can be passed which shall prevent the humblest citizen from censuring the conduct of the highest officer of the government.

6. But it must not be supposed that men may speak or publish, against others, whatever they please; for the same section which secures freedom of speech, makes us "liable for the *abuse* of that liberty." Without some restraint, wicked men might, by false reports, destroy the good name, the peace, or the property of others. Nor may we, in all

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3. To what extent are the rights of conscience enjoyed in this country? 4. What is liberty of speech and of the press? 5. What restrictions were formerly laid upon the press in some countries? 6. May we speak

cases, speak even the truth of others, if thereby we should injure them.

7. To defame another by a false or malicious statement or report, is either slander or libel. When the offence consists in words spoken, it is *slander;* when in words written or printed, it is called *libel.* As a slander in writing or in print is generally more widely circulated, and likely to do greater injury, it is considered the greater offence. Hence damages may sometimes be recovered for slanderous words printed, when for the same words merely spoken, a suit could not be maintained.

8. It has just been stated, that we may not always even speak the truth of others. By the common law of England, the libel was considered as great when the statement was true as when false, because the injury might be just as great; and therefore when prosecuted for libel, a man was not allowed to prove to the jury the truth of his statement. Such may be considered the law in this country, except where special provision to the contrary has been made by law or constitution.

9. But it may sometimes be proper to speak an unfavorable truth of others: therefore the framers of our constitution inserted this provision, that "where the matter published is proper for public information, the truth may always be given in evidence." Hence it may be inferred, that a person has a right to speak of the bad deeds of another, if it should be done with the intent to put others on their guard against him. But although a man has been guilty of bad conduct, if you report the same to injure him in his business or his good name, it is presumed you would be liable, because you did it not for good reasons, nor with a good intent.

10. In case of slander, a man is liable only for damages in a civil action; but for libel, a person is not only liable for private damages, but he may also be indicted and tried as for other public offences.

11. The last of the rights alluded to, is the privilege of

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of others in all cases as we please? 7. What is the difference between slander and libel? 8. What is here said of the common law in case of *prosecution for libel?* 9. What does our constitution provide respecting *this?* 10. *To* what is a man liable in case of slander and libel? 11

the "writ of *habeas corpus*." This is a Latin phrase, and means, have the body. This privilege was long enjoyed by the people of Great Britain before the independence of these states; and it is not strange that a people loving liberty should, in establishing a government of their own, insert such a provision in their constitution. [Cons. U. S. Art. 1, sec. 9.]

12. A person committed, confined, or restrained of his liberty for a supposed criminal matter, or under any pretence whatsoever, may, before the final judgment of a court is pronounced against him, petition a competent court or judge, stating the cause of complaint. The judge then issues a writ against the party complained of, commanding him to bring before the court or judge the body of the person confined; and if he shall refuse to do so, he may be imprisoned. If, upon examination, it appears that the complainant has been illegally confined, the judge may discharge him.

CHAPTER XLI.

Of the Government of the United States.

1. Having treated of the government of the state of Ohio, and of our rights and duties as citizens of this state, I proceed, as proposed, to show our relations to the government of the United States.

2. It is thought by many persons, to be very difficult to understand the relations which the state and national governments bear to each other. But if the scholar will attentively study the following chapters, he will find that *children* may learn what many of our adult citizens have never learned, and what some think none but *men* are able to comprehend.

3. To learn the nature of the general government, and of our relations to it as citizens of the United States, we

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What is the meaning of habeas corpus? 12. In what case, and how, is this writ obtained and executed?

3. Had the colonies any political connection while subject to Great

must go back to the time when the colonies were subject to Great Britain. Though they were all subject to that country, they had no political connection with each other. They were, in this respect, as independent of each other as so many different nations. Hence there was no such thing as being a citizen of the United States. Every person was only a citizen of the state in which he lived.

4. During the controversy with Great Britain, it became necessary for the colonies to agree upon some general measures of defence. For this purpose, the first great continental congress, composed of delegates from the several colonies, met at Philadelphia on the 4th of September, 1774. The next year, in May, another congress met to propose and to adopt such farther measures as the state of the country might require; and the same congress, on the 4th of July, 1776, declared the colonies to be free and independent states.

5. This declaration was called "the unanimous declaration of the United States of America:" but the states were united only in certain measures of safety. There was no government which exercised authority over the states. The people were subject to their respective state governments only. They were not yet incorporated into one nation for the purpose of government, as now, under a constitution. Hence, they were not properly citizens of the United States.

6. To provide effectually for the future security, as well as the immediate safety of the American people, congress deemed it necessary that there should be a union of the states under some general government; and in November, 1777, that body agreed upon a plan of union. The articles were called "articles of confederation and perpetual union between the states;" and were to go into effect when adopted by the legislatures of all the states. Some of the states were slow to agree to the articles; but they were finally adopted, March 1, 1781.

Britain? Of what were the people then citizens? 4. For what purpose did the first great congress assemble? When and where? What was done by the next congress? 5. What was the declaration called? *For what purpose* were the states united? Was there a national government *at that time*? 6. What kind of union was agreed upon by con-

7. The states were now united in a kind of national government, but it was not such a one as the present; as will appear by noticing a few points of difference between them. In the first place they were different in *form*. The confederation was a *union of states;* it was scarcely entitled to be called a government. It had not, as the national government now has, the three departments of power, legislative, executive, and judicial. It had only a legislature, and that consisted of only one body; and to that congress the several states, large and small, were entitled to send each an equal number of delegates.

8. That government differed from the present also in regard to its *powers*. The confederation was a very weak government. Its powers were vested in congress. The congress was to manage the common affairs of the nation, and to enact such laws (if laws they might be called) as might seem necessary; but it had not the power to enforce them.

9. For example, it belonged to congress to ascertain the number of men and the sums of money to be raised to carry on the war, and to call on each state to raise its due share; but congress could not compel a state to do so. The government had no power to lay and collect taxes; it was dependent upon the states for raising the money to defray the public expenses. It could, and did, to some extent, borrow money in its own name, on the credit of the union; but it had not the means of repaying the money so borrowed. But more of its defects will hereafter appear.

10. It may be asked, how so weak a government could keep the states together. The plan was devised in a time of war, and had respect to the operations of war, rather than to a state of peace: and a regard to their own safety induced the states, in most cases, to obey the orders of congress; just as individuals will readily unite when exposed to a common danger, or when pursuing a common interest. But

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gress in 1777? When did these articles go into effect? 7. Was that a government like the present? In what general respects was it different in form? 8. How did the confederation differ in regard to its powers? 9. By way of example, what could congress do, and what could it not do? 10. How were the states kept united under so weak a gov-

when the danger is past, and the desired object attained their union and friendship are easily broken.

11. So it was with the states. The war being over, they did not continue to act in harmony. Laws were enacted in some states, giving their own citizens undue advantages over the citizens of other states; and soon the good feeling which had existed was interrupted: and in a few years the jealousies and disputes between the states became such as threatened to break up the union.

12. It was now evident that to keep the states united in time of peace with foreign nations, there must be a different government; a government possessing more extensive powers, which could control, in all needful cases, the action of the state governments.

13. Having been thereto requested, congress called a convention, to revise and amend the articles of confederation. All the states, Rhode Island excepted, chose delegates, who met at Philadelphia in May, 1787. Although it seems to have been generally intended only to alter the articles of confederation, it was proposed to the convention to form a new government, different both in its form, and in respect to its powers. This proposition was agreed to by a majority of the convention; and after a long and arduous session, which closed in September, the present constitution was adopted by the convention.

14. In examining the constitution, we see that it differs also in its *nature* from the former government. This appears from the manner in which it was formed and adopted. The articles of confederation were framed by congress, the members of which were appointed by the state legislatures; and when so framed they were sent to the state legislatures, to be approved by them, before they could go into effect. The adoption of these articles was therefore the act of the *legislatures* of the states, and not the act of the *people* of the

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ernment? 11. What caused disputes and ill feeling between the states? 12. What kind of a government now appeared necessary? 13. When did the convention meet that framed the constitution? When did the *session close?* When was the constitution adopted? (See chap. 50, *§ 13.)* 14. By whom were the articles of confederation framed? By

states; and the confederation was a union of *states*, rather than a union of the *people* of the states.

15. The constitution, on the other hand, was framed by men appointed expressly for that purpose, and submitted for approval, not to the state legislatures, but to the people of the states, and adopted by state conventions, whose members were chosen for that purpose by the *people*. Hence, the constitution is virtually the act of the people; and the union is not a mere confederation of states, but, as the preamble declares, "a more perfect union," formed by "*the* PEOPLE OF THE UNITED STATES."

CHAPTER XLII.

Of the Legislative Department.

1. THE legislature, called congress, is composed of two branches, a senate and a house of representatives. The senate consists of two members from each state, chosen by the legislature, for six years. This body is constituted upon the same principles, nearly, as the old congress, the members of which were also chosen by the state legislatures; and the several states were entitled to an equal number, which number was not to be less than two nor more than seven; and they were chosen for one year only.

2. A senator must be thirty years of age; and he must have been nine years a citizen of the United States, and must be an inhabitant of the state for which he is chosen.

3. The house of representatives is constituted upon the same principles as a legislative body of a state. As the representatives of a state legislature are apportioned among the counties, in proportion to the number of inhabitants in each, so each state sends to the lower house of congress, a

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whom approved and adopted? 15. By whom was the constitution framed, approved, and adopted?

1. How is congress composed? How is the senate constituted? For what term are senators chosen? 2. What are the qualifications of a senator? 3. Upon what principle is the house of representatives constituted

number of members proportioned to the number of its inhabitants. Representatives are elected for two years.

4. The constitution does not limit either house to any definite number of members. Whenever a new state is added to the Union, two members are added to the senate, and one or more to the house of representatives.

5. The number of representatives may change, also, while the number of states remains the same. After the taking of a new census, which is done every ten years, congress determines what number of inhabitants shall be entitled to a representative for the next ten years; which number, the constitution declares, shall not be less than 30,000.

6. But a representative for every 30,000 inhabitants, as the population increases, would make the house too large. At this rate there would be, at present, more than 500 representatives. This number would be too great. It would be a needless expense to pay so many men to make laws, when a smaller number can do the business as well, and much more promptly. Hence congress, after the census of 1840, fixed the number of inhabitants as the ratio of representation from each state, at 70,680. This gives to Ohio twenty-one representatives.

7. Representatives are thus chosen: The state is divided by the legislature into districts, called congressional districts, in each of which one member of congress is chosen. Several counties constitute a district. Representatives to congress are chosen in this state, at the annual election, every two years.

8. In the southern states, a large portion of the people are slaves. In ascertaining the number of representatives for the slave-holding states, only three fifths of the slaves are counted. It was contended by some of the delegates in the convention that framed the constitution, that the people

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tuted? What is the term of office of a representative? 4. What adds to the number of members of each house? 5. What is the least number of inhabitants that can be entitled to a representative? 6. What is the present number? Why is the number so large? How many *representatives has Ohio?* 7. How are representatives chosen? 8. By *what rule are* representatives appointed, to the slave-holding states?

of the slave states ought not to be represented for their slaves, because slaves were property, and no property, in the free states, entitled its owners to representation. After much debate, it was at length agreed, that every five slaves should be counted as three *free* citizens.

9. A representative must be twenty-five years of age, and must have been seven years a citizen of the United States. Aliens, or foreigners, therefore, cannot be elected until seven years after they have been naturalized.

10. The manner of organizing the houses, and of passing bills, as will be seen from the first article of the constitution, is similar to that which is practised by the state legislatures.

11. Members of congress receive, for their services, eight dollars a day. The speaker of the house of representatives, and the president of the senate *pro tempore*, when the vice-president is absent, receive sixteen dollars a day. Members of congress also receive a day's compensation for every twenty miles travel to and from the seat of government, But this is unreasonable. Such are the present facilities for travelling, that a member may go from Buffalo to Washington in about three days, at an expense of about $30, for which he is entitled to receive pay for more than thirty days' service.

CHAPTER XLIII.

Of the Executive Department.

1. The executive department of the general government is constituted in a manner similar to that of a state government. The chief executive officer is called the president of the United States. He is elected for four years. There is also a vice-president, chosen at the same time, and for the same term. The general duties of these officers are

9. What are the qualifications of a representative? 10. How do the houses of congress do business? 11. What daily compensation do members receive? How much for travelling? Is this just?

1. In *whom* is the executive power of the nation vested? What is the

much like those of the governor and lieutenant-governor of a state. [Cons. Art. 2, § 2, 3.]

2. A president must be thirty-five years of age, and a natural-born citizen of the United States. When the office of president becomes vacant, the vice-president becomes president; and a president of the senate, *pro tempore*, chosen by the senate for the purpose, takes the place of the vice-president.

3. In electing a president, the people do not vote directly for him. The voters of each state choose a number of men, equal to the number of senators and representatives to which it is entitled in congress. These men, thus chosen in the several states, elect the president and vice-president, and are called presidential electors. The state of Ohio, having two senators and twenty-one representatives in congress, is entitled to twenty-three presidential electors.

4. These electors, however, are not chosen in the same manner as members of congress. The names of twenty-one men, one from each congressional district in the state, are put on one ballot, together with the names of any other two men, corresponding with the two senators; and each voter in the state votes for the whole number of presidential electors to which the state is entitled. Presidential electors are chosen, in all the states, on the Tuesday next after the first Monday of November, of the year in which they are to be chosen.

5. The electors of president do not all meet in one body. Those of each state meet by themselves, in their own state, on the first Wednesday of December, and vote for president and vice-president; and make a list of the persons voted for, and the number of votes for each; which list is sent to the president of the senate, at the seat of the government of the United States, before the first of January. On the second Wednesday of February, the president of the senate,

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nature of his duties? 2. What are the qualifications of a president? What is the principal business of a vice-president? 3. Do the people vote directly for president? By whom is he elected? 4. How and when are the presidential electors chosen? 5. How, where, and when, do they meet to vote for president? To whom do they send the list of votes? When, where, and before whom, are the votes from all the

in the presence of all the senators and representatives, opens all the certificates, and the votes are counted. The person having a majority of all the electoral votes for president, is elected.

6. But a person may have the highest number, that is, a *plurality*, of the electoral votes, without having a *majority*. Suppose that at the next presidential election there should be three candidates for the office of president, and that of the 275 electoral votes, (there being at present 275 members of congress in both houses,) one candidate should receive 100 votes, another 90, and the other 85. Now a majority, that is, more than one half of the whole number, cannot be less than 138; consequently neither would be elected.

7. If no person has a majority of the electoral votes, the house of representatives must choose the president from those candidates, not exceeding three, who had the highest number of the electoral votes. But in so doing, the members do not all vote together, as when passing bills; but those of each state vote by themselves; and the candidate who receives the votes of a majority of the representatives of a state, has but one vote for such majority; from which it appears, that there are only as many presidential votes as there are states; and the person who receives the votes of a majority of the states, is elected.

8. If there is no election of vice-president by the electors, the senate, in a body, chooses one from the two having the highest numbers of the electoral votes. The person receiving the votes of a majority of the whole number of senators, is vice-president.

9. The president and vice-president go into office on the 4th day of March next after the election, and end their term on the 3d day of March, four years thereafter; the same days of the same month on which senators every six years, and representatives every two years, commence and end their regular terms of office.

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states counted? 6 What is the difference between a plurality and a majority of votes? 7. When no candidate has a majority, how is the president elected? How does the house vote? 8. How is the vice-president elected when no person has a majority of the electoral votes? 9. *When do the* president and vice-president begin and end their official

relating to the navy. A navy is the fleet, or ships of war, which a nation keeps to defend itself in time of war, and to protect the trade of its citizens on the high seas in time of peace. The salary of the secretary is $6,000; his chief clerk has $2,000; three navy commissioners, each $3,500; their secretary $2,000; and a chief clerk, $1,600.

8. The *attorney-general* prosecutes and conducts all suits in the supreme court in which the United States are concerned, and gives his advice upon questions of law, when requested by the president or heads of departments. His salary is $4,000.

9. The *postmaster-general* establishes post-offices, appoints postmasters, and provides for carrying the mails. The business of this department is very extensive. There is a postmaster in almost every town and township in the union; in some there are several. Letters and papers are sent by mail to the most distant parts of the United States in a few days.

10. Every postmaster is required to keep an account of all the letters sent from and received at his office, and of the names of the offices to which sent, and from which received; and also the letters on which the postage was paid when mailed, and on which it was unpaid, and of those which are sent free of postage; and at the end of every quarter such account is sent to the postmaster-general, together with a statement of all moneys received for postage and paid out by each postmaster. All letters which were advertised as remaining in his office at the end of the preceding quarter, and which still remain in the office, are put up in a package, and sent to the general post-office, where they are opened, and, if found to contain any thing of sufficient importance, are returned by mail to the writers of them.

11. The returns thus made to the postmaster-general are all examined, to see whether they are correct or not.

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does the secretary of the navy do? What is a navy? Secretary's salary? His chief clerk's? Salaries of the three navy commissioners? Of their secretary and clerks? 8. What is the business of the attorney-general? *His salary?* 9. What are the principal duties of the postmaster-general? *10. What is required of* the deputy postmasters? 12. What is franking?

The examination of the account of every postmaster in the union, the making of contracts for carrying mails on all the post-roads, and a variety of other business, require the labor of a great number of assistants and clerks.

12. Members of congress may receive letters, not exceeding two ounces in weight, free of postage during the recess of congress. And postmasters and other officers in the post-office department may send free, letters and packages relating to their official duties or to the business of the department, by endorsing on the back of the letter or package the words, "official business." Sending free any letter or package is called *franking*.

13. The number of post-offices in the union is about 14,000. The length of post-roads over which the mail was carried during the year ending June 30, 1842, was 149,732 miles; the number of miles of mail carriage was 34,835,991; the whole amount received for postages and fines, $4,546,246; and the whole amount paid for transporting the mail, with other expenses incurred during the year, $4,235,052.

14. The salary of the postmaster-general is $6,000; three assistants receive $2,500 each; and the auditor receives $3,000. Postmasters receive, for their services, a certain rate per cent. on the money received by them at their respective offices. This per centage varies, however, being greater or less when the amount of postages for each quarter is over or under a certain sum.

15. All the secretaries and postmaster-general, except the secretary of the treasury, report annually to the president, who lays their reports before congress. The secretary of the treasury reports directly to congress.

Who has this privilege? How is it done? 13. How many post-offices in the United States? Give the statistics of the year 1842. 14. What are the salaries of the postmaster-general and his under officers? What is the compensation of deputy postmasters? 15. To whom do the heads of departments report?

CHAPTER XLV.

Of the Judicial Department.

1. As has been stated, there was, before the adoption of the constitution, no established national judiciary. The necessity of such a tribunal to decide disputes between states, and other matters of a national character, having become apparent, power was given to congress to establish national courts. [See Cons. Art. 1, § 8; Art. 3, § 1.]

2. It is proper that all cases arising between citizens of the same state, as well as all crimes committed against its laws, should be tried by the courts of the state. But when cases arise under the laws of the United States, or between different states, or citizens of different states; or when crimes are committed on the ocean, or elsewhere beyond the jurisdiction of a state, it is evident that some other than a state court ought to try such cases. For example, if a person should violate the laws of congress made for the collection of duties on goods imported, he must be prosecuted in a court of the United States. So a murder committed at sea, beyond the limits of a state, is properly tried in a national court. Piracy, which is robbery on the high seas, is always tried in such court. And so all other cases mentioned in article 2, section 2, of the constitution.

3. The lowest national courts are the *district courts*. Every state constitutes at least one district; a few of the large states, two each. In each district is a judge, who has power to hold a court. There are also in each district a district attorney to attend to suits on the part of the United States, and a marshal, whose duties in this court are like those of a sheriff in state courts. This court has four stated terms a year. It tries certain kinds of civil cases, and the lower crimes against the laws of the United States.

4. The circuits embrace larger territories than the dis-

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1. What is the object of having national courts? 2. What are some of the cases that properly come before these courts? What is piracy? 3. Which are the lowest national courts? What constitutes a district? What cases does this court try? 4. Of what territory are the circuits

tricts. There are nine circuits in the United States, each including several states. In each there is a *circuit judge*, who holds a court in his circuit twice a year. The judge of the district within which the court is held, sits with the circuit judge in holding a circuit court. Besides certain kinds of civil causes, this court tries the highest crimes against the laws of the United States; as murder within forts, arsenals, and other territory, the property of the United States, or on the high seas.

5. The *supreme court* consists of all the judges of the circuit courts, one of whom is the chief justice of the supreme court. There are but few causes which originate or commence in this court; its principal business is to rejudge cases that are brought up from the circuit courts. It holds one session annually, at the seat of government, commencing on the second Monday of January, and continuing about eight weeks.

6. One important object of a supreme court of the United States, is that a uniform meaning or interpretation may be given to the constitution and laws of the United States. One court may decide a law to be constitutional; another may declare it to be unconstitutional. In one state the constitution may be taken to mean one thing; in another quite another thing. But when a case comes before the supreme court, and is there decided, such decision governs the judgment of all inferior courts throughout the union.

7. All judges of the United States' courts are appointed by the president and senate, and hold their offices for life, or during good behavior. The salary of the chief justice is $5,000; that of the associate judges, $4,500 each.

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composed? How many circuits are there? Who hold the circuit courts? What cases do they try? 5. How is the supreme court constituted? What is its business? Where and when does it meet? 6. What is one important advantage of this court? 7. How are all United States' judges appointed? What are the salaries of the judges of the supreme court?

CHAPTER XLVI.

Of the Powers of the General Government.

1. Most of the important powers of the government of the United States are vested in congress, and will be found enumerated in the 1st article and 8th section of the constitution. Perhaps the want of none of these powers was so sensibly felt under the confederation, as the first three here mentioned; and it is probably for this reason that they were placed at the beginning of the list.

2. The first of these is the power "to lay and collect taxes, duties, imposts, and excises;" and the objects of this power are declared to be, "to pay the debts, and provide for the common defence and general welfare of the United States."

3. Congress had been obliged to borrow large sums of money to defray the expenses of the war. Several millions were borrowed from France and Holland. But congress had no power, as has been observed, to raise money by taxation. The government could not pay its debts, nor support itself. But by the power here given, it may raise money to any amount necessary for the objects stated in the constitution. And it may raise the money either by *direct taxation*, that is, by laying the tax directly upon the *property* of the citizens, or by *indirect taxation*, which is by duties, imposts, and excises.

4. The nature of duties has been explained. [See *duties*.] *Duties*, or *customs*, and *imposts*, have nearly the same meaning. The last, however, are properly taxes on goods *imported* only; the first apply to taxes on goods exported as well as on those imported. But as our government does not impose duties on exports, these three words practically signify the same thing. But *excise* has no reference at all to the exportation or importation of goods; it is a tax laid upon an article manufactured, sold, or consumed, *within* the country,

1. What three powers of congress are first mentioned? 2. Which is the first? 3. Why was this power necessary when the constitution was framed? What is direct taxation? Indirect taxation? 4. What is the

Such, for example, is the duty paid by keepers of taverns and groceries for the privilege of selling liquors.

5. Notwithstanding congress has power to raise money by taxation in several ways, it has seldom been found necessary to exercise it in any other way than by laying duties on foreign goods, and on the vessels in which they were imported. How effectual this mode of taxation has been, will appear from the following facts:

6. At the close of the revolutionary war, the national debt amounted to $42,000,000, on which congress could not so much as pay the interest. Two years after the constitution went into effect, the debt had risen to $75,000,000; in 1804, to $86,000,000. From that time it gradually diminished until the commencement of the late war, in 1812, when it was reduced to $45,000,000. By that war, the debt was again increased, being in 1816, $127,000,000.

7. Now the raising of so large a sum by a direct tax, would have been very oppressive. Wherefore congress exercised its power of taxation almost exclusively in laying duties on imports; and from the revenue thus raised, not only have the yearly expenses of the government been defrayed, but this vast national debt has long since been paid, besides leaving in the treasury a large surplus, which has been distributed among the states, and loaned out to the citizens.

8. Equally necessary is the power next mentioned, "to borrow money on the credit of the United States." Large sums of money are sometimes wanted to pay a debt before they can be raised from the revenues or regular income of the nation; and sometimes immediately, as in case of war. In such case, congress must tax the people, or borrow the money. But who would lend the government, if it had not the means of paying?

9. Here, then, we see the utility of both these powers. Capitalists are now willing to lend their money to the government, because, if other means of paying its debts should be insufficient, it has power to raise the money by direct taxation.

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difference between duties and imposts? What is an excise? 5. Have direct taxes been often laid? 6. State the amount of the national debt at each period here mentioned. 7. By what means has this debt been paid? 8, 9. Why is the power to borrow money necessary? 10. What power

10. The power "to regulate commerce with foreign nations," which is next in the list, seems to be, in a measure, connected with the first, "to lay duties." It will be remembered that, before the war of the revolution, the colonies were dependent on Great Britain for manufactured goods. By the war, trade with that country was interrupted. But when peace was restored, the British again sent their goods into this country; but they levied heavy duties upon American produce and American vessels coming into their ports, with the view of so raising the price of foreign agricultural products, as to compel her citizens to buy those of their own country. Thus was the trade of the two countries placed on an unequal footing. We wanted English goods, but England would not take the produce of our labor in exchange, without subjecting it to heavy duties.

11. Hence, some regulations concerning foreign trade became necessary. Congress had not the power to regulate commerce; it belonged to the states. But the states, acting *separately*, were unable to effect the object desired; they could not agree upon any system of measures. A change in the government must be made before the evil could be remedied. And we learn from the history of that day, that, to give to the general government power to regulate trade was one of the principal causes, perhaps the more immediate cause, of calling the convention that framed the constitution.

12. It has just been remarked, that the two powers, "to lay duties," and "to regulate commerce," are nearly allied. Indeed, the former has been used to carry into effect the intentions of the latter. The first law but one, passed by the first congress under the constitution, authorized "duties to be laid on goods, wares, and merchandises imported," and for purposes, one of which was declared to be, "the encouragement and protection of domestic manufactures." England having by her regulations of trade encouraged the supplying of her own people with provisions, congress intended by laying duties upon foreign goods, to encourage the manufacture of similar goods at home.

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is next mentioned? What is said about our trade with Great Britain? *11. What then* became necessary? Why could they not be made? *What did this lead to?* 12. What law was passed by the first congress

13. Whether this is a wise measure for regulating the commerce of a nation, is a question in political economy, upon which statesmen differ; one which it is not the design of this work to discuss. The above facts are given simply to explain the objects and use of the power to regulate foreign commerce.

14. Congress has power, also, to regulate commerce "among the several states." Without this power, each state might adopt regulations favorable to its own citizens, and injurious to the people of other states. This was actually done under the confederation; and to restore and preserve harmony, and to secure equal justice to the citizens of all the states, which could be done only by one uniform system for the whole, this power was given to the general government.

15. Under the power to regulate commerce, congress has also made *navigation laws*, or laws relating to the shipping of the nation. These laws require vessels to be measured, to ascertain how much they hold; and prescribe the manner in which they are enrolled or registered, and licensed, and in which they are to enter and leave the ports, and the duties of the masters of vessels, declaring what papers they are to carry, &c.

16. These regulations are especially necessary for the collection of the revenue arising from foreign commerce. There is, in every port of entry, a *collector of customs*, who superintends the collection of duties. When a vessel arrives, it is submitted, with the cargo, and all papers and invoices, to the inspection of the proper officers; and the goods subject to duty are all weighed or measured, and the duties estimated according to law.

17. On some articles a *specific* duty is charged, which is a duty of so much a pound, yard, or gallon; as, two cents on a pound of iron, or fifty cents on a yard of cloth. Oth-

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under the constitution? What was one of the objects of this law? 14. What other commerce may congress regulate? Why is this power necessary? 15. Under what power are navigation laws made? What is navigation? What do these laws require? 16. For what special purpose are these regulations necessary? What is done when a vessel comes into port? What is a port? 17. What is a specific duty? Ad valorem?

ers are charged with an *ad valorem* duty, which means a duty according to the value, being a certain per centage on the value of an article; as forty per cent. on what costs one dollar, would be forty cents; or thirty per cent. on every hundred dollars would be thirty dollars. In certain cases, *tonnage* duties are charged, upon foreign vessels, at so much per ton of their measurement.

18. All this business requires a vast amount of labor. Nearly five hundred men are employed at the custom-house in the city of New York. The whole amount derived from customs in the United States, in 1842, was about $22,000,000. Besides this a considerable sum was received into the treasury from the sale of public lands. These two sources produce nearly the whole revenue of the nation; from which are paid the salaries of officers, and other expenses of the government.

CHAPTER XLVII.

Powers of the General Government, continued.

1. ANOTHER power given to congress, is the power "to establish a uniform rule of naturalization." It has already been stated, that foreigners, or aliens, are not entitled to the privileges of citizens till they become naturalized. Before the constitution was adopted, every state established its own rules for naturalizing foreigners. But as a person, on being made a citizen in any state, becomes a citizen of the United States, it is evident that there should be but one rule of naturalization.

2. An alien must have lived in the United States five years, before he can become a citizen. Two years before he is admitted as a citizen, he must declare, on oath, in writing, before a proper court, that he intends to become a

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Tonnage duty? 18. What is said of the custom-house business? In the city of New-York? How much revenue is derived from customs? For what purposes is the income of the nation expended?

1. *What is* naturalization? Why should this power be in congress? 2. *How soon* may an alien become naturalized? What is the rule of

citizen of the United States, and to renounce his allegiance to his former government; and he must declare, on oath, that he will support the constitution of the United States. Then, two years thereafter, the court, if satisfied as to his moral character and his attachment to the constitution, may admit him as a citizen.

3. On his being naturalized, a man's minor children, if dwelling in the United States, also become citizens. If a man has lived at least three years in the United States before he becomes of age, he may, at the expiration of the five years' residence, be admitted by the court, without having previously made a declaration of his intention to become a citizen.

4. The power "to coin money and regulate the value thereof," is properly given to congress. Formerly the system of reckoning was by pounds, shillings, and pence; the value of which was different in different states. For instance in the New-England states, six shillings make a dollar, in New York eight, in Pennsylvania seven shillings and sixpence. This rendered dealing between the people of different states quite inconvenient. The present decimal mode of calculation, in dollars and cents, established by congress, together with the use of decimal coins, has removed the former inconvenience.

5. Money is coined at the *mint*, which is in Philadelphia. The business of coining is under the superintendence of a director. The gold and silver, before it is coined, is called *bullion*. Individuals, as well as the government, may get money coined at the mint. Six principal men employed in the mint, receive salaries of $1,000 to $2,000 each. Gold and silver are also coined at New Orleans; and gold, to some extent, is coined at some place in North Carolina, and at another in Georgia.

6. Another power of congress is "to promote the progress of science and useful arts." Sciences and arts are much

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naturalization? 3. How do children become citizens? In what case may persons be admitted as citizens, without first declaring their intention to become such? 4. What were the inconveniences suffered from the old system of reckoning? How have they been removed? 5. Where is money coined? What is bullion? 6. What is the object of the power

aided by new books and new inventions. But if everybody had the privilege of printing and selling every new book or other writing, and of reaping equal benefits from every new invention or discovery, there would be less encouragement for men of ability and genius to spend their time and money in preparing new works for the public.

7. Congress has therefore passed an act by which an author may get, for his writings, a *copy-right*, by which all other persons are prohibited, for twenty-eight years, from printing or publishing the same without the proprietor's consent. And the proprietor may, at the expiration of that time, get the right renewed for fourteen years longer. *Patents* for new inventions are granted for fourteen years: and may be renewed for a farther term of seven years, if the inventor shall not have been reasonably rewarded.

8. The powers relating to war and the public defence, are also given to congress. It would be dangerous to allow a single state to make war; and to depend on the state governments to provide the means of prosecuting a war, had already been found to be unsafe. And as the people of all the states become involved in the calamity and expense of a war, the power to declare war ought to belong to the representatives of the whole nation.

9. So also the power "to grant letters of *marque* and *reprisal*." Letters of marque and reprisal give to persons injured by citizens of another nation, the liberty to seize the bodies or goods of any of the citizens of such nation, and detain them till the injury shall be repaired. It is not clear that such license ought ever to be given. But the power to grant it ought to be vested in congress, if anywhere.

10. Congress has power "to exercise exclusive legislation," (that is, congress only, has the power to make laws,) over the District of Columbia, in which is the seat of gov-

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to promote the progress of science and useful arts? 7. What privilege does a copy-right give to an author or proprietor of a book or other writing? What privilege does a patent confer upon an inventor? 8. For what reasons is the power given to congress to declare war, and provide for the defence of the nation? 9. What are letters of marque and reprisal? 10. Over what territory may congress exercise exclusive legislation? What is meant by exclusive legislation? What is here said of

ernment. The "ten miles square," as appears from the language of the clause, was not yet in possession of the national government; but it was in contemplation, by the states of Maryland and Virginia, to cede it to the United States for the purpose mentioned. As it is the property of the nation, it is proper that congress alone should be allowed to make laws for the people therein.

11. A very essential power of the general government is the power "*to make treaties.*" This power, however, is exercised by the president and senate. A *treaty* is an agreement between two nations. Treaties are made to restore or preserve peace, and sometimes to regulate trade, between nations. It is plain, therefore, that this power ought to be in the national government; and for wise reasons it is given to the president and senate alone. And for reasons equally strong, the power to appoint ambassadors and others, by whom treaties are negotiated, should be in the same hands. [See Cons. Art. 2, § 2, clause 2.]

12. In making a treaty, the terms are arranged and agreed upon by the agents of the two governments; and the articles of agreement are sent to their respective governments to be ratified. Hence, what is meant by the president and senate's making treaties, is their approving them, or giving them effect. Each civilized nation has some officer at home, and a representative at the seat of each foreign government, to transact business for his nation, and to keep his government advised of what is done abroad. There is, at the city of Washington, a minister from Great Britain, France, Russia, and other foreign countries. The person who corresponds with them on the part of our government, is the secretary of state. And we also have a minister in each of those countries.

13. Representatives at foreign courts are differently styled, ambassadors, envoys, ministers, and chargés d'affaires. The duties of all these several agents are not always precisely the same. An *envoy*, and sometimes an

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the district? Where is the seat of government? 11. In whom is the power to make treaties vested? What is a treaty? 12. Describe the manner of making treaties? What practice of civilized nations is here spoken of? 13. What are the names of the different foreign represen-

ambassador, is sent on a special occasion, and returns when the particular business on which he was sent is done. The others reside abroad, and act in obedience to instructions sent them from time to time. *Chargés d'affaires* are ministers of a lower grade. The name is French, and means a person having charge of the affairs of his nation. *Consuls* reside in foreign seaports, as much of their business relates to the commercial intercourse between nations, and is done with masters of vessels and with merchants.

14. Ministers of the United States receive a salary of $9,000 a year; chargés d'affaires, $4,500: and both receive, besides, on going out of the United States, an *outfit*, equal to a year's salary.

CHAPTER XLVIII.

Powers prohibited to Congress and the States.

1. While the constitution gives many important powers to the general government, there are many things which it expressly declares shall not be done. [See Art. 1, § 9.]

2. "No bill of attainder or *ex post facto* law shall be passed." A *bill of attainder* is an act of the legislature, inflicting the punishment of death upon a person pronounced guilty of some crime, without trial. If it inflicts a milder punishment, it is called a bill of pains and penalties.

3. An *ex post facto law* is, literally, a law which has effect upon an act after it is done. But the phrase here means a law to punish, as a *crime*, an act that was lawful when it was done. Thus, if a law should be passed, by which a man should suffer death for an act of justifiable homicide, committed before the law was made, such would be an ex post facto law. A law is also an ex post facto law that inflicts a more severe penalty for an *unlawful* act, than was imposed for such offence when committed. Thus, if a law

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tatives? In what do their duties differ? What is a chargé d'affaires? *Why do* consuls reside in seaports? 14. What is the compensation of *ministers, &c.*?

2. *What laws shall congress not pass?* Define bill of attainder. 3

were passed to-day, requiring that men now awaiting trial for petit larceny heretofore committed, should, on conviction, suffer death, or imprisonment in state prison, the law would be ex post facto.

4. "No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." [Cons. Art. 1, § 9.] The word *capitation* is derived from the same Latin word as *capital*, which has been defined. It is a tax of so much upon every head, or poll, without respect to property; hence it is usually called a *poll-tax*. Taxes of this kind are not laid in this country. A portion of the highway labor, as we have seen, is thus assessed.

5. "No attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted." [Cons. Art. 3, § 3, cl. 2.] To the young reader this sentence may need explanation. Literally, attainder means a taint, or staining, or corruption; but it here signifies the same as judgment, or conviction. By the common law, the stain of treason was made to affect the *blood* of the traitor, so that he could neither inherit property himself, nor could his heirs inherit from him; but his whole estate was forfeited. The constitution properly abolishes a law by which the innocent were made to suffer for the crimes of others.

6. Besides corruption of blood and forfeiture, the manner of inflicting the punishment was most disgraceful and inhuman. The offender was drawn to the gallows on a hurdle; hanged by the neck, and cut down alive; his entrails taken out and burned while he was yet alive; his head cut off; and his body quartered. Power being given to congress, in the clause above referred to, "to declare the punishment of treason," congress has abolished this barbarous practice. Hanging, simply, is the punishment.

7. Not congress only, but the states also, are properly prohibited from doing certain acts. [See Art. 1, § 10.] One of the things there forbidden is, to "make any thing but gold

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What is an ex post facto law? 4. What is a capitation tax? 5. What is here meant by attainder of treason? Corruption of blood? 6. How was punishment for treason formerly inflicted? 7. The states shall not

and silver coin a tender in payment of debts." This means that no person shall be compelled to take, in payment of a debt owing to him, any thing *tendered* or offered to him, but gold and silver coin.

8. Both during and after the war, a large amount of paper money, almost worthless, was put in circulation; and by some of the states, this money was declared to be a tender. Hence the propriety of this prohibition. But the constitution goes farther, and says, (in the same clause,) that no state shall "*emit bills of credit;*" that is, issue paper money on the credit of the state. Bank bills, it will be remembered, are not issued by the state, but by banking companies.

9. Most of the other things here forbidden to the states, congress has the power to do; and it would be improper to give these powers to both. Indeed, they were given to the general government for the very reason that it was not expedient that they should be exercised by the states.

10. Constitutions properly contain some provision for amending them, in case it may become necessary. The mode of amending the constitution of the United States, is prescribed in the 5th article. [Examine the article.] To get a majority of two-thirds of congress or of the states to propose amendments, and then to get the proposed amendments ratified, either by the legislatures of three-fourths of the states, or by conventions in three-fourths of them, is very difficult. This is right. If the constitution could be altered by a bare majority, there would be danger of its being too frequently altered—sometimes, perhaps, for the worse.

11. By the 2d clause of the 6th article, the constitution, and the laws and treaties made under it, are declared to be binding above all state constitutions and laws. If it were not so—if all state authorities were not bound by the con-

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make any thing but coin a tender in payment of debts: what does this mean? 8. What is here meant by bills of credit? What in particular induced the framers to prevent their being issued? What are some of the other things forbidden to the states? [See Constitution.] 10. How are amendments to be made to the constitution? 11. What is provided in the 2d clause of the 6th article of the constitution? Why should the acts of the general government be binding upon the state authorities?

stitution of the United States, it would be good for nothing; there might as well be no general government at all. Any law, therefore, which is decided by a competent court to be contrary to the constitution, is void.

12. By the last article, the constitution was to go into effect when ratified by conventions of delegates of nine states, which was then a majority of three-fourths of the states. As it was hardly to be expected that every state would immediately adopt it, it was not thought proper to risk the good of all upon an event so doubtful.

13. The framers closed their labors in September, 1787; and in July, 1788, New Hampshire, the ninth state, sent its ratification to congress; and congress appointed the first Wednesday of January, 1789, for choosing electors of president in the several states, and the first Wednesday of February for the electors to meet in their respective states to elect the president. Gen. Washington was unanimously chosen, and on the 30th of April, was inaugurated president. Proceedings, however, commenced under the constitution on the 4th of March, preceding.

14. In the foregoing sketch of the government of the United States, many provisions of the constitution have been passed over without remark. A note on every clause could not be given. The student who wishes to obtain a better knowledge of our *national* jurisprudence, is referred to the larger work of the author, entitled "Science of Government."

CHAPTER XLIX.

Review and Conclusion.

1. From the view which has been given of the state and national governments, it must be seen how well they are adapted to promote the general welfare of the people, and

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12. How was the constitution ratified? 13. When was it finally ratified? and when was the government commenced under it? Who was the first president? and when elected?

to secure to them the blessings of liberty. Let us, by way of review, again advert to some of the leading features of our political system.

2. One of the excellencies of this system is the extent to which political rights and privileges are enjoyed. In the ancient democracies of Greece, where every freeman was a member of the legislature, political rights were enjoyed and exercised only by about one-twentieth part of the male citizens of full age. In England and France, where one branch of the legislature is elective, a large portion of the people have no right to vote for their representatives. In the latter country, containing a population of nearly 35 millions, there are probably not as many voters as in the state of Ohio.

3. But in the greater portion of the United States, nearly all the *white* male citizens exercise the rights of freemen. They have a voice in choosing their constitution, and in electing the officers of the government. This is the fundamental principle of republicanism, the highest privilege of freemen.

4. Another excellency of our government, and one that gives security to liberty, is the division of the civil power into legislative, executive, and judicial. If the persons who make the laws, should also have power to execute them, and to judge of and apply them, the government, whatever it might be called, would be little better than a despotism. There would be too many different powers in the same hands. It has been found better to keep these several kinds of power separate.

5. Additional security is given to liberty by the peculiar nature of the union. This has been described. It differs from the unions that have heretofore existed. These were simple confederacies or leagues between sovereign states. The old American confederation was of this kind. By a *sovereign* state, we mean a state that makes all its own laws, and is controlled by no superior power.

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2. To what extent was political power exercised in ancient Greece? *What is said of* the right of suffrage in England and France? 3. What *is said of the* same in the United States? 4. What division of civil *power gives* security to liberty? 5. What else increases this security?

6. The Swiss cantons are at present united in such a confederacy. They are sovereign states; and, as in all mere confederations, each canton has an equal vote in the congress. The principal German states are similarly united; some of which are republican, others monarchical.

7. But the states of the American union are not wholly sovereign. They have, for the good of the whole, given up a portion of their sovereignty to the general government, which, in some cases, controls the state governments. If the states were entirely sovereign, they could establish any kind of government. But by the constitution, the general government has power, and is bound, to prevent any state from changing its government to any other than a republican form. [Art. 4, § 4.]

8. In the progress of this work, the government of the United States has frequently been called the *national* government; but it is not wholly national. To have an idea of a government purely national, we must suppose the people united in one great government, with only one legislature to make laws for the whole nation, one executive, and one judiciary. And in adopting a constitution, all the electors must vote directly for or against the proposed form, and a majority of all the votes must be necessary for its adoption, as when choosing a state constitution.

9. But it must be kept in mind that the state governments existed first, and that the civil conduct of the citizens is regulated by the laws of the states. Although the general government, also, in some cases, acts directly upon individual citizens, and is superior to the state governments; yet its powers extend only to certain objects, which powers are given to it by the people of the states; consequently all powers which the constitution does not grant to the general government, remain with the states and the people. [Amend. Art. 10.]

What is a sovereign state? 6. What is said of the Swiss and German confederations? 7. Are our states wholly sovereign? How, and to what extent are they prevented from changing their governments? 8. What would be necessary to make the general government purely national? 9. By what laws is the civil conduct of the citizens regulated?

10. The government is therefore of a *mixed* nature, being partly national and partly federal. *Federal* signifies, united by a league or confederation, and implies that the members have equal power. Such was the character of the old confederation; and some of its principles have been retained in the constitution.

11. Under the former, all the states were equally represented in the congress, the members of which were chosen by the state legislatures. So in the senate, the states are equally represented now; and the senators are also appointed by the state legislatures. In the adoption of the constitution, also, the states had an equal voice; and so they must have in amending it. In these cases the *federal* principle is preserved.

12. Again: In electing a president by presidential electors, each state having a number proportioned to its population, the election is upon the *national* principle. But if the election is to be made by the house of representatives, each state has an equal vote: this is according to the *federal* principle. Hence the government of the United States is sometimes called the "federal government."

13. It may perhaps be asked: Why are so many governments necessary? Why not dispense with the state governments, and let the people of the whole nation be united in one great national government, like that of a state? Such a plan would be impracticable. A single government could not make all the laws necessary for so great a nation, nor manage its numerous affairs. Hence, the interests of large portions and of different classes of the people must be neglected. Complaints and grievances would spring up in every quarter, and the government could not satisfy or redress them; and disorder and confusion would soon prevail throughout the republic, and perhaps result in bloodshed.

14. Thus we see that our liberties are best secured by having the national territory divided into portions of conve-

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Whence does the general government derive its powers? 10. What two principles are combined in the general government? What is federal? *11, 12. Wherein* has the federal principle been retained? 13. Why *might not the* whole nation be under a single government? 14. How

nient size, with a government in each, and by binding them together under a strong national government, which shall keep each of them within its own proper sphere.

15. How highly favored the people who live under such a government as that which we have described! How dear should be the memory of those who achieved the independence of these states, and established the system of government which has conveyed to us, their descendants, the blessings of civil and religious freedom! And what a debt of gratitude is due to the Supreme Ruler of nations, for conducting a feeble and infant nation, through difficulties and dangers, to a state of unexampled prosperity and happiness!

16. With our patriot fathers, the great object was independence and liberty. With us let the question be, How shall our liberties be preserved? Whether the American people shall long continue to enjoy the blessings which our excellent constitution is capable of securing to them, depends upon what shall be the character and conduct of the people themselves.

17. A nation to be prosperous and happy, must be virtuous. A community may live under a free constitution, and yet suffer all the evils of a despotism. The people may be their own oppressors. Bad laws in a republican government, are no less oppressive than in any other. Where there is not virtue in the body politic, bad men will be elected to office, and bad laws will be made.

18. On the other hand, freedom may be enjoyed even in a monarchy. A wise and virtuous king will make good and wholesome laws; and his subjects may as truly enjoy civil and religious liberty, as the citizens of a republic. Freedom exists really wherever the laws are good, and where they are properly administered and duly respected.

19. The people must also be intelligent. In general, the

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are our liberties best secured? 15. To whom are we indebted for all the blessings of good government? 16. On what does the continuance of our liberties depend? 17, 18. What is necessary to the happiness and prosperity of a nation? Can there be freedom in a monarchy? Where does it exist? 19. What are the effects of ignorance in a community?

freedom and happiness of a nation are in proportion to its intelligence. If people are ignorant, they cannot govern themselves. Indeed, they know not what their natural rights are. Besides, if they are not well informed, they are liable to be deceived by intriguing politicians, who seek power only to use it for selfish purposes.

20. Hence the necessity of vigilance also. As men in office are prone to abuse their power, they should be closely watched; and as they are but the servants of the people, they should be called to account for improper conduct: and the people must not suffer party prejudice to blind them to the errors of their greatest favorites.

21. If, then, we would continue a free and happy people, we must be intelligent, virtuous, and vigilant. Our liberties *may* be preserved; and they WILL be preserved, as long as the general diffusion of useful knowledge shall continue to be liberally encouraged, and the conduct of our citizens, in their social and political relations, shall be governed by religious principle, and a genuine and enlightened patriotism.

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20. What is said in respect to the necessity of vigilance? 21. What, then, must be done?

APPENDIX.

CONSTITUTION OF OHIO.

Done in Convention, begun and held at Chillicothe, on Monday, the 1st of November, A. D. 1802, and of the independence of the United States the 27th.

We, the people of the eastern division of the territory of the United States northwest of the river Ohio, having the right of admission into the general government, as a member of the Union consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven, and the law of congress entitled, "An act to enable the people of the eastern division of the territory of the United States northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of *The State of Ohio.*

ARTICLE I.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

2. Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, according to the number of white male inhabitants of above twenty-one years of age in each; and shall never be less than twenty-four nor greater than thirty-

six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

3. The representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

5. The senators shall be chosen biennially, by qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one-half thereof, as near as possible, may be chosen annually forever thereafter.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

7. No person shall be a senator who has not arrived at the age of thirty years, and is not a citizen of the United States; shall have resided two years in the district or county immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall moreover have paid a state or county tax.

8. The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

9. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

10. Any two members of either house shall have liberty to dis

sent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

11. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

12. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies.

13. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

14. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not, at any one time, exceed twenty-four hours.

15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

17. Every bill shall be read on three different days, in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses.

18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Ohio.*"

19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit: the governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars; no member of the legislature shall receive more than two dollars per day during his attendance

on the legislature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state which shall have been created, or the emoluments of which shall have been increased, during such time.

21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

22. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws, annually.

23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, they shall be on oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the senators.

24. The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

25. The first session of the general assembly shall commence on the first Tuesday of March next: and forever after, the general assembly shall meet on the first Monday in December in every year, and at no other period, unless directed by law, or provided for by this constitution.

26. No judge of any court of law or equity, secretary of state, attorney-general, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this state, (provided that the appointments in the militia, or justices of the peace, shall not be considered lucrative offices,) shall be eligible as a candidate for, or have a seat in, the general assembly.

27. No person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

28. No person who heretofore hath been, or hereafter may be, a collector or holder of the public moneys, shall have a seat in either house of the general assembly, until such person shall have

accounted for and paid into the treasury all sums for which he may be accountable or liable.

ARTICLE II.

§ 1. The supreme executive power of this state shall be vested in a governor.

2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

3. The first governor shall hold his office until the first Monday of September, one thousand eight hundred and five, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next preceding his election.

4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

5. He shall have the power to grant reprieves and pardons, after conviction, except in cases of impeachment.

6. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

8. When an officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a com

mission, which shall expire at the end of the next session of the legislature.

9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

10. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

11. In cases of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

12. In case of the death, impeachment, resignation, or the removal of the governor from office, the speaker of the senate shall exercise the office of governor until he be acquitted, or another governor shall be duly qualified. In case of impeachment of the speaker of the senate, or his death, removal from office, resignation, or absence from the state, the speaker of the house of representatives shall succeed to the office, and exercise the duties thereof, until a governor shall be elected and qualified.

13. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

14. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Ohio.

15. All grants and commissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either branch of the legislature; and shall perform such other duties as shall be assigned him by law.

ARTICLE III.

§ 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate

jurisdiction, both in common law and chancery, in such cases as shall be directed by law: provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided by law into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each county not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years.

4. The judges of the supreme court and court of common pleas shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

5. The court of common pleas in each county shall have jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians, and such other cases as shall be prescribed by law.

6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and cause their proceedings to be brought before them, and the like right and justice to be done.

7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas shall, by virtue of their offices, be conservators of the peace in their respective circuits; and the judges of the court of common pleas shall, by virtue of their offices, be conservators of the peace in their respective counties.

8. The judges of the supreme court, the presidents, and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court, and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which

shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

9. Each court shall appoint its own clerk, for the term of seven years; but no person shall be appointed clerk, except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts.

10. The supreme court shall be held once a year, in each county; and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law.

11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years; whose powers and duties shall from time to time be regulated and defined by law.

12. The style of all process shall be, The state of Ohio; and all prosecutions shall be carried on in the name and by the authority of the state of Ohio; and all indictments shall conclude against the peace and dignity of the same.

ARTICLE IV.

§ 1. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid, or are charged with, a state or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election.

2. All elections shall be by ballot.

3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

4. The legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

5. Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, who have resided one year in the state, from having the right of an elector.

ARTICLE V.

§ 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty.

2. Majors shall be elected by the captains and subalterns of the battalion.

3. Colonels shall be elected by the majors, captains, and subalterns of the regiment.

4. Brigadiers-general shall be elected by the commissioned officers of their respective brigades.

5. Majors-general and quarter-masters-general shall be appointed by joint ballot of both houses of the legislature.

6. The governor shall appoint the adjutant-general. The majors-general shall appoint their aids, and other division officers. The brigadiers their majors; the brigade-majors their staff officers; commanders of regiments shall appoint their adjutants, quarter-masters, and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI.

§ 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof who are qualified to vote for members of the assembly: they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified: provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

2. The state treasurer and auditor shall be triennially appointed, by a joint ballot of both houses of the legislature.

3. All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

§ 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of the state shall, before entering on the execution thereof, take an oath or affirmation, to support the constitution of the United States and this state, and also an oath of office.

2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the law shall direct; and any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable for two years to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised, until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

5. That, after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same places, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

6. That the limits and boundaries of this state be ascertained, *it is declared*, that they are as hereafter mentioned—that is to say, *bounded on* the east by the Pennsylvania line; on the south by *the Ohio* river, to the mouth of the Great Miami river; on the

west by the line drawn due north from the mouth of the Great Miami aforesaid; and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid: Provided, always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami river of the lake, then, and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by, and extended to a direct line, running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid, thence north-east to the territorial, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognised, and forever unalterably established, we declare,

§ 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the purpose of protecting their liberties, and securing their independence—to effect these ends they have at all times a complete power to alter, reform, or abolish their government, whenever they may deem it necessary.

2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant under pretence of indenture, or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed, out of this state, or, if made in the state, where the term of service exceeds one year, be of the

least validity, except those given in the case of apprenticeships.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can in any case whatever control or interfere with the rights of conscience: that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; and that no preference shall ever be given by law to any religious society or mode of worship: and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge, being essentially necessary to the government, and the happiness of mankind, schools, and the means of instruction, shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

4. Private property ought, and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

5. That the people shall be secure in their persons, houses, papers, and possessions, from all unwarrantable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write, or print upon any subject, as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

7. That all courts shall be open, and every person, for any injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law; and right and justice administered without denial or delay.

8. That the right of trial by jury shall be inviolate.

9. That no power of suspending the laws shall be exercised, unless by the legislature.

10. That no person arrested or confined in jail shall be treated

with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.

11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself—nor shall he be twice put in jeopardy for the same offence.

12. That all persons shall be bailable by sufficient sureties unless for capital offences, where the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

14. All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishments to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate.

17. That no person shall be liable to be transported out of this state, for any offence committed within the state.

18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

20. That the people have a right to bear arms for the defence

of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporeal punishment under the military law.

22. That no soldier in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in the manner prescribed by law.

23. That the levying taxes by the poll is grievous and oppressive; therefore, the legislature shall never levy a poll tax for county or state purposes.

24. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred by this state.

25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges, and universities within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies, and universities, shall be open for the reception of scholars, students, and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

26. That laws shall be passed by the legislature which shall secure to each and every denomination of religious societies, in each surveyed township, which now is, or may hereafter be, formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress making the appropriation.

27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

28. To guard against the transgression of the high powers which we have delegated, we declare, that all powers not hereby delegated remain with the people.

SCHEDULE.

§ 1. *That no* evils or inconveniences may arise from the *change of a territorial* government to a permanent state govern-

ment; it is declared by this convention that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

2. All fines, penalties, and forfeitures, due and owing to the territory of the United States, northwest of the Ohio River, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity in the territory, shall pass over to the governor, or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act entitled "An act regulating the admission and practice of attorneys and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

5. The governor of the state shall make use of his private seal, until a state seal be procured.

6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of governor, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory; and the members of the general assembly, sheriffs, and coroners then elected, shall continue to exercise the duties of their respective offices until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Clermont one senator and two representatives; the county of Adams one senator and three representatives; the county of Ross two senators and four representatives; the county of Fairfield one senator and two rep-

resentatives; the county of Washington two senators and three representatives; the county of Belmont one senator and two representatives; the county of Jefferson two senators and four representatives; and the county of Trumbull one senator and two representatives.

Done in convention, at Chillicothe, on the 29th day of November, in the year of our Lord 1802, and of the Independence of the United States of America the 27th.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN, *President.*

Jos. Darlington,
Israel Donaldson,
Tho. Kerker,
James Caldwell,
Elijah Woods,
Philip Gatch,
James Sargent,
Henry Abrams,
Em. Carpenter,
John W. Browne,
Charles W. Byrd,
Fra. Dunlavy,
Wm. Goforth,
John Kitchell,
Jer. Morrow,
John Paul,
John M'Intire,
John Reilly,
John Smith,
John Wilson,
Rudolph Bear,
Geo. Humphrey,
John Milligan,
Nath. Updegraff,
Baz. Wells,
Mich. Baldwin,
James Grubb,
Nath. Massie,
T. Worthington,
David Abbott,
Sam. Huntington,
Eph. Cutler,
Ben. Ives Gilman,
Rufus Putnam.

Attest, THO. SCOTT, *Secretary.*

DECLARATION OF INDEPENDENCE.

In Congress, July 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refusod his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the condition of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by mock trial, from punishment for any *murders* which they should commit on the inhabitants of these *states:*

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us; and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, *therefore*, acquiesce in the necessity which denounces our sepa-

ration, and hold them, as we hold the rest of mankind—enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK,
President of Congress, and
Delegate from Massachusetts.

New Hampshire.—Josiah Bartlett. William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.

Georgia.—Button Gwinett, Lyman Hall, George Walton.

Attest, CHARLES THOMPSON, Secretary.

CONSTITUTION OF THE UNITED STATES.

The Constitution framed for the United States of America, by a convention of deputies from the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, at a session begun May 25, and ended September 17, 1787.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Sec. 2. The house of representatives shall be composed of members chosen every second year, by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts eigh

Rhode Island and Providence Plantations *one*; Connecticut *five*, New York *six*; New Jersey *four*; Pennsylvania *eight*; Delaware *one*; Maryland *six*; Virginia *ten*; North Carolina *five*; South Carolina *five*; Georgia *three*.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one third may be chosen every second year; and if vacancies happen, by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same: and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose, or concur with, amendments, as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States: if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved

by two-thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be passed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money; to regulate the value thereof, and of foreign coin; and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water:

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings: And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight: but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Sec. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a *tender in payment* of debts; pass any bill of attainder, ex post

facto law, or law impairing the obligation of contracts; or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the nett produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the vote shall be taken by states, the representation from each state having one vote: a *quorum* for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the

president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.

(By the 12th article of amendment, the above clause has been repealed.)

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president: neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president; and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation.

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

Sec. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other

public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the congress information of the state of the union; and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party, to cóntroversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases be-

fore mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New states may be admitted by the congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state

SEC. 4. The United States shall guaranty to every state in this union, a republican form of government; and shall protect each of them against invasion, and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof we have subscribed our names.

GEORGE WASHINGTON,

President, and Delegate from Virginia.

New Hampshire. John Langdon, Nicholas Gilman.
Massachusetts. Nathaniel Gorham, Rufus King.
Connecticut. Wm. Samuel Johnson, Roger Sherman.
New York. Alexander Hamilton.
New Jersey. William Livingston, William Paterson, David Bearly, Jonathan Dayton.
Pennsylvania. Benjamin Franklin, Robert Morris, Thomas Fitzsimons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris.
Delaware. George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.
Maryland. James M'Henry, Daniel of St. Tho. Jenifer Daniel Carroll.
Virginia. John Blair, James Madison, Jr.
North Carolina. William Blount, Richard Dobbs Spaight, Hugh Williamson.
South Carolina. John Rutledge, Charles Pinckney, Pierce Butler, Chas. Cotesworth Pinckney.
Georgia. William Few, Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS.

ARTICLE I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. II. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Art. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Art. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Art. V. No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Art. VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Art. VII. In suits at law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Art. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. IX. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Art. X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Art. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of *another state*, or by citizens or subjects of any foreign state.

Art. XII. The electors shall meet in their respective states, and vote, by ballot, for president and vice-president, one of whom,

at least, shall not be an inhabitant of the same state with themselves: they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the president of the senate: the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

WASHINGTON'S FAREWELL ADDRESS.

SEPTEMBER 17, 1796.

Friends and Fellow-Citizens:

The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprize you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you: but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. *I rejoice that* the state of your concerns, external as well as [illegible] *ernal, no longer* renders the pursuit of inclination in[illegible] *ith the sentiment* of duty or propriety; and am perfe[illegible]

ever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others has strengthened the motives to diffidence of myself; and, every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amidst appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsels. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and to speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principle. You have, in a common cause, fought and triumphed together

the independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated —and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in like intercourse with the *west*, already finds, and in the progressive improvement of the interior communication, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While therefore every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government, which their own rivalships alone would be sufficient to produce; but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which under any

form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*; *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the general government, and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which alliances at all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free in its principles; in the distribution of its powers uniting security with energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is, the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of party, often a small, but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state [illegible] that you steadily [illegible] irregular opposition [illegible]

edged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion: and remember, especially, that from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to

make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself, through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true: and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must al-

ways greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connection with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it, is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should particularly bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construc-

non of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigences may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all: religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and ambitious motives. The peace often, sometimes, perhaps, the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which is apt doubly to

injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation, invites and enables us to *pursue* a *different* course. If we remain one people, under an *efficient* government, the period is not far off when we may defy

material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice!

It is our true policy to steer clear of permanent alliances with any portion of the foreign world: so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and

lasting impression I could wish—that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit; to warn against the mischiefs of foreign intrigues; to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my Proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration, I am unconscious of intentional error; I am nevertheless too sensible

of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws, under a free government; the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

INDEX.

THE END.

ALTERATIONS AND CORRECTIONS.

☞In the present edition of this work, several corrections have been made, some of which were rendered necessary by changes in the laws, others by original errors. Some of the sections requiring amendment, have been corrected in the pages where they occur; those which have not, are designated by a star (*) which refers to a correction at the end of the work.

PAGE 50. The several branches of printing for the state, are, by an act of 1846, to be let out in separate contracts to the lowest bidder, for the term of three years. Three sureties are required; the bonds to be $3,000 for each branch of the printing.

P. 62. By an act of 1846, *twenty* acres of land, connected with school and meeting houses, are exempt from taxation, if used only for the accommodation of the schools and religious societies. The following *personal property* is also exempt; household furniture, beds, and books of private families, to the value of $100; of keepers of taverns and boarding houses, $200; wearing apparel; food for the family (except boarders); tools of mechanics to the value of $150; family implements; horses and neat cattle under two years old, mules and asses under a year and a half, and sheep and swine under six months; one cow, eight sheep, and four hogs of every family not having over $100 in value of other taxable property.

P. 105. In this state, the deed of the first purchaser holds the land if recorded, within *six months* from date. With regard to mortgages, however, the first on record takes precedence. Conveyances are to be recorded in the office of the county *recorder*, not in the clerk's office.

P. 123. By an act of 1846, the interest of a married man in the *real estate* of his wife is, in this state, no longer liable to be taken for the payment of his debts, during her life or the lives of her children.

P. 136. An act of 1846, "more effectually to prevent gambling," imposes heavier penalties. A person keeping any gaming table, or other gaming device to win or gain money or other property, or being engaged in gambling as a business, is to be deemed a common gambler and is liable to be imprisoned in the penitentiary not less than one year, nor more than five years, and fined $500, to be paid into the county treasury for school purposes. For keeping a room or building for gaming, fine from 50 to $500.

FIRST LESSONS IN CIVIL GOVERNMENT.

Including a Comprehensive View of the Government of the State of Ohio, and Abstract of the Laws, showing the Rights, Duties, and Responsibilities of Citizens in the Civil and Domestic Relations; with an Outline of the Government of the United States: adapted to the capacities of Children and Youth, and designed for Families and Schools,—By ANDREW W. YOUNG, Author of "Science of Government." M. C. YOUNGLOVE, Cleveland.

Appreciating the object of introducing among our citizens the study of the general principles of Government, and believing the work of A. W. YOUNG, on the Government of Ohio, and the United States, to be well adapted to the object for which it is designed, we commend the same to the patronage of our fellow citizens, as being in our opinion worthy of a place in every family, and especially do we desire to see it in the hands of the young men of our State, upon whom will soon devolve the administration of its laws, and we believe that were the study generally introduced into our Academies, and Common Schools, the young men of our State would thereby be more competent to discharge the duties of freemen, and to exercise intelligently the privilege of the elective franchise.

LEWIS GRANGER,
JAMES ROWLAND,
WM. W. IRWIN,
WM. BUSHNELL,
JAS. D. SUMMERS,
HUBBARD COLBY,
BARNABAS BURNS,
M. BARTLEY,
ISAAC J. ALLEN,
JAMES E. COX,
A. G. MILLER,
JOS. HILDRETH,
F. E. COPE.
JOSEPH RITTER,
GEORGE AMENBRANT,
JACOB BRINKERHOFF.

Mansfield, April 13, 1847.

SANDUSKY CITY, Nov. 15, 1846.

The School Examiners for Erie County, beg leave to recommend to their fellow citizens of the State of Ohio, a work entitled First Lessons in Civil Government, by A. W. Young. We regard it as emphatically *a book for the times*, adapted to the Common Schools, and excellent in its kind and character, and wish it were introduced and studied in every School in the State.

L. HALL,
A. C. HUESTIS,
A. H. MASS.

We the Directors of the City of Sandusky, concur in the above.

F. M. FOLLETT,
N. F. MERRY.

Nov. 17, 1846.

The subscriber has examined a book entitled First Lessons in Civil Government, by Andrew W. Young, designed for Families and Schools, and has no hesitation in saying that he deems the book to be well calculated to promote the interest of education, and fit the mind of the rising generation for a proper discharge of their duties as citizens, and he hopes and belives that the book will so meet and receive the patronizing confidence of our citizens, as to ensure its universal reception, and adoption into our Common Schools as a class book.

WILLIS PORTER,
Superintendent of Com. Schools, Dover Township.

Dover, Sept. 25, 1847.

I concur in the above statement.

J. WILLSON,
Principal Dover Institute.

After a careful examination of the work entitled Civil Government, I am so well pleased with the general character of the work that I am now introducing it into the Institution under my control; and a good class is already formed. I think the book is just of that character which we have long needed in our higher and common Schools, and I hope and believe it will soon be generally used as a class book in all our schools

L. ANDREWS, Principal.

Ashland Academy, 1847.

I have examined Young's Civil Government, and consider it well adapted to the object for which it was prepared; it contains a large amount of information most valuable to persons of all classes, so condensed and systemised as to be particularly adapted to the use of Schools. It is also a valuable Manual to be put into the hands of the young.

H. W. WILLIAMS,
Principal of Huron Institute.

Milan, O., Nov., 1846.

Having examined Young's Civil Government, I can unhesitatingly recommend it as a work well adapted to teach what it aims to teach, and worthy of a place in all our Schools and Families in Ohio.

JEREMIAH HALL.
Principal of Norwalk Institute,

Norwalk, Sept. 4, 1847.

Brooklyn, O., Sept. 15, 1847.

I have carefully examined the work entitled Young's Civil Government, and feel no hesitation in saying that I regard it as one of the most useful books that can be put into the hands of our youth. The style is plain, easy, and interesting, the matter such as every American Youth ought to learn. I cheerfully recommend its general and extensive use.

C. H. CHURCHILL,
Prin. of Brooklyn Centre Acad.

We, the undersigned, do hereby certify, that we have examined Young's First Lessons in Civil Government, with care, and do not hesitate to recommend it to the public as a book well adapted to the use of schools. The practical lessons upon our Government and Laws contained in this work, will render it a valuable anxiliary in the cause of Education; and we think its utility must be acknowl edged by all.

LUCIUS FULLER,
SULLIVAN D. HARRIS,
AZOR ABEL,
School Directors of Trumbull Co.

Warren, June, 1846,

Having hastily examined a copy of A. W. Young's First Lessons in Civil Government, as published by M. C. Younglove, I have no hesitation in saying I consider it a valuable acquisition, well adapted to the wants of the student, professional man, and men of business generally.

LEICESTER KING.

I regard Young's Civil Government, as an excellent school book The author has adapted to the comprehension of youth those principles, in the constitution and laws of our country, which it is most important for every citizen to know.

W. D. BEATTIE,
Prin. of Classical and English High School, Cleveland.

Jefferson, November 23, 1846.

I have examined the work entitled First Lessons in Civil Government, by Andrew W. Young, and take great pleasure in recomending it to the people of Ohio, as a most valuable compilation, comprising more valuable information upon the subject of our government and laws, than any other work of the size that has come under my notice.

J. R. GIDDINGS.

REMOVE
OR
MUTILATE CARD